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Security Council

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Letter dated 3 June 2004 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council

On instructions from my Government, I have the honour to transmit the attached press release, which was issued by the Government of Rwanda today concerning the fighting in Bukavu, eastern Democratic Republic of the Congo (see annex).

We request that the present letter and the press release be circulated to all members of the Security Council as a document of the Council.

(*Signed*) Stanislas **Kamanzi**
Ambassador
Permanent Representative

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Annex to the letter dated 3 June 2004 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council

Press Release

The Government of the Republic of Rwanda is gravely concerned by the recent events in the eastern part of the Democratic Republic of the Congo, especially in the town of Bukavu.

The Government is concerned that the insecurity in Bukavu should not spill over to Rwanda's territory. For this reason, the Government:

1. Expresses its concern at statements by President Joseph Kabila directly implicating the Republic of Rwanda in the fighting in Bukavu, despite his repeated messages to Rwanda, some directly, others through his envoys, that the problem in Bukavu was an internal Congolese matter.

2. Reiterates the fact that there are no Rwandan troops present in Bukavu or elsewhere in the Democratic Republic of the Congo.

3. Takes note of the open threat the President of the Democratic Republic of the Congo has made against the Republic of Rwanda; believes that such statements and threats contribute little to the resolution of the conflict and are detrimental to the normalization of relations between Rwanda and the Democratic Republic of the Congo, which is a prerequisite to lasting peace and security in the region; and further recommends that those in the international community who lend an ear to or encourage bellicose statements from some Congolese players refrain from this course of action in the interest of regional peace.

4. Calls upon all the Congolese forces to respect the territorial integrity of the Republic of Rwanda.

5. Believes that the problem in Bukavu is an internal Congolese matter and urges that a speedy resolution to the insecurity be found.

6. Urges all sides to respect and jealously guard civilian life and property.

7. Requests that all Congolese forces involved in the events in Bukavu act in a manner that supports the transition process in the Democratic Republic of the Congo, which constitutes the best and only framework available to bring peace, security and stability to the Democratic Republic of the Congo.

8. Calls upon the international community and the regional leaders concerned to revive and make effective the verification mechanisms provided for under the Lusaka Ceasefire Agreement and subsequent agreements between the Democratic Republic of the Congo and the Republic of Rwanda; and believes that credible and effective verification mechanisms are essential for regional peace and security.

9. Calls upon the international community to urgently come to the assistance of the refugees present on Rwanda's territory as a result of the fighting in Bukavu.

Done in Kigali, 3 June 2004

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Report of the Secretary-General on the Sudan

I. Introduction

1. In the Statement by its President dated 10 October 2003 (S/PRST/2003/16), the Security Council requested the Secretary-General to initiate preparatory work on how the United Nations could best fully support the implementation of a comprehensive peace agreement between the Government of the Sudan and the Sudan People's Liberation Movement/Army (SPLM/A). In accordance with the Statement, I established an Interdepartmental Task Force (ITF) on the Sudan to follow the peace process closely and serve as a forum for developing a United Nations common strategy to support implementation of the final agreement. I also dispatched a preliminary assessment mission to the Sudan and Kenya from 27 November to 16 December 2003, which provided a useful opportunity to consult with the parties at all levels, as well as the Intergovernmental Authority on Development (IGAD) mediation team, the donor community, the United Nations country team, non-governmental organizations, and the existing monitoring mechanisms currently deployed in the country. The mission was also able to assess the overall environment for a future United Nations operation in the Sudan.

2. In March 2004, my Special Adviser, Mr. Mohamed Sahnoun, visited the region accompanied by staff of the Department of Political Affairs and of the Department of Peacekeeping Operations, and met with senior officials from Egypt, Eritrea, Ethiopia, Kenya, the Sudan and Uganda, including the Presidents of Eritrea, the Sudan and Uganda; the leaders of the two Sudanese delegations at the peace talks in Naivasha, Kenya; and the IGAD mediation team; as well as international observers at the talks, in order to consult them on the current status of planning for a future monitoring and verification operation in the Sudan. I have been encouraged by the reception given to my Special Adviser and wish to express my appreciation to the parties and the Governments of the region for their support for the peace process and the planned United Nations response.

3. A small group of United Nations technical experts has been in the Sudan since late April 2004 to carry forward logistics planning and assessments on the ground. They have been tasked with locating suitable premises and facilities in Khartoum and other locations, identifying, in conjunction with the parties, appropriate areas for headquarters, camps or other premises to be provided to the United Nations in the event of a future operation. The group has been able to establish contacts with the national authorities at a technical level to sensitize them towards established United Nations policies and practice when conducting peace support operations. It

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has also been working closely with United Nations country team colleagues to develop further a common United Nations logistics and support strategy for the peace implementation phase, has benefited from the advice of Operation Lifeline Sudan, an organization that has worked for years in the challenging environment of south Sudan, and has continued consultations with existing monitoring mechanisms deployed in the Sudan.

II. State of the peace process

4. As members of the Council are aware, after months of negotiations, the Government of the Sudan and the Sudan People's Liberation Movement/Army (SPLM/A) have reached agreement on the remaining three protocols on power-sharing; the areas of Nuba Mountains and Southern Blue Nile; and Abyei. These protocols complete a series of six agreements and represent almost two years' work since the first protocol was signed at Machakos, Kenya, in July 2002, followed by protocols on security arrangements in September 2003 and on wealth-sharing in January 2004. Together they represent the parties' solemn commitment to conclude negotiations with a long-awaited comprehensive peace agreement as soon as possible.

5. For all but 11 of the 48 years since its independence in 1956, the Sudan has been engulfed in civil conflict. Generations of Sudanese people have known nothing but the terrible consequences that perennial war has wrought upon the country, including large-scale death and destruction, mass internal displacement, refugee crises and famine.

6. The civil war that the Government of the Sudan and the SPLM/A are in the process of ending, erupted in 1983, following the breakdown of the 1972 Addis Ababa agreement. The ensuing 21-year conflict devastated a significant part of Africa's largest country and deprived the rest of stability, growth and development. The Sudanese people have paid a terrible price, over 2 million people have died, 4 million have been uprooted and some 600,000 people have sought shelter beyond Sudan's borders as refugees. The nature and size of the country's problems have frequently overflowed into neighbouring countries and brought misery and insecurity to the region.

7. Over the long years of war, there has been a plethora of attempts by various external actors, including from neighbouring States, concerned donors and other States, as well as the parties themselves, to bring the conflict to an end. However the immense complexities of the war and the lack of political will prevented its earlier resolution. In 1993, the Heads of State of the then Intergovernmental Authority on Drought and Development (IGADD) became involved in the latest initiative to bring the parties together. This was the beginning of a long process that has led slowly but inexorably to the threshold of a peace accord. Once a comprehensive peace agreement is signed it will be in no small measure thanks to the dedication of IGADD/IGAD and the political leadership of its members, particularly the Government of Kenya.

8. By completing a series of framework protocols, at long last the Government of the Sudan and the SPLM/A are poised to put an end to the long war. It is now up to the Government and the SPLM/A to conclude negotiations swiftly and to sign a

comprehensive peace agreement following detailed talks on ceasefire and security arrangements, as well as implementation modalities and international guarantees.

9. The international community faces a truly daunting task in helping the Government of the Sudan and the SPLM/A to overcome their differences during peace implementation. The final peace agreement will be hugely complex, combining agreements on ceasefire and security arrangements, wealth-sharing, power-sharing and the future administration of three areas in the centre of the country. Implementation will radically alter current political realities in the Sudan. While the protocols attempt to address the primary causes of the war, some of the language may be subject to different interpretation. To implement such a document will require an enormous amount of trust and patience from the parties and on the part of the international community. The stakes are enormous for the Sudanese people and for the parties, and the long six and a half year interim periods are fraught with danger, during which major differences will certainly arise.

10. While the long work at Naivasha is to be applauded, there has been some concern at the lack of inclusivity within the peace process beyond the two main parties. One of the first tests for the agreement will be the parties' capacity to promote its acceptance beyond their immediate constituencies to the wider Sudanese body politic as a viable solution for all Sudanese people. Nevertheless, there are bound to be disaffected and spoiler elements that will have no interest in seeing any agreement succeed and will work to reverse the direction in which the parties have pledged to travel. In addition, some external actors may seek to influence the implementation process to parochial advantage. It is certain that the international community and the United Nations operation will face testing and difficult times as they assist and work with the parties through the interim periods of peace implementation.

III. Proposed United Nations advance team

11. In my letter to the Security Council of 25 March 2004 informing it of my plans to send a group of United Nations technical experts to the Sudan to start preparing for later deployments, I emphasized that a long lead-time was required to best mitigate the extraordinary logistical challenges that a future United Nations operation will face in the Sudan. The country's sheer size — comparable to that of Western Europe — and total lack of infrastructure in the south will ensure that the United Nations will be working in the most demanding of circumstances. The likely lines of communication that a future monitoring and verification operation would face are roughly equivalent in distance to that between the cities of New York and Houston, with several planned sectors each the size of Austria or New York State. The Sudan is 35 times larger than Sierra Leone, a country that hosts a significant United Nations peace operation. The logistical dimensions that a future operation would face will be slightly larger than those faced in the Democratic Republic of the Congo. Given the ravaged state of south Sudan's infrastructure and the unprecedented complexity and scope of the tasks expected to be performed by a future monitoring and verification operation, United Nations-provided logistical support would have to be extensive.

12. To assist successfully in the implementation of the Sudanese agreement over an area of this magnitude will require an extensive and carefully coordinated

response from the international community. The United Nations has recognized that it will not be possible to implement this peace agreement without a joint, integrated strategy among its components, agencies and programmes. The work of the ITF was set in progress precisely to ensure that the United Nations can fully support the implementation of the agreement in a systemic and integrated manner. However, in addition to the work that the United Nations operation would perform, should the parties request it in their agreement, there will be many tasks that cannot fall under the purview of the Organization and will require bilateral and multilateral responses from the international community that must be carefully synchronized and coordinated in harmony with development efforts.

13. While the precise tasks and the configuration of a future monitoring and observation operation in the Sudan are still being defined, based on the agreements and understandings concluded so far it is probable that the requirements would include:

- Political affairs/good offices;
- Monitoring of ceasefire and security arrangements;
- Monitoring of, coordination of external support for, and possible assistance with disarmament, demobilization and reintegration of ex-combatants and those associated with the armed groups;
- Facilitation of development and humanitarian activities, including monitoring the return of refugees and internally displaced persons;
- Civil affairs;
- Coordination of support for capacity-building, as well as possible monitoring of and assistance in the following areas:
  - Police and rule-of-law institutions;
  - human rights and child protection;
- Coordination of mine action activities;
- Electoral assistance;
- Public information.

14. In view of the logistical difficulties that will be attendant upon deployment of a United Nations operation, as well as the political fragility that may well prevail as combatants adjust to the new realities following the signing of a comprehensive peace agreement, it will be important to have a framework reception capability in place to ensure that a smooth and timely deployment may commence as soon as possible. Assessments indicate that a future United Nations operation would have to be deployed in phases. As a first step, within the authority of S/PRST/2003/16, I am augmenting the current small group of personnel already operating in the Sudan with the immediate deployment of additional support staff.

15. This group would be subsumed into a United Nations advance team, which I would propose for Security Council approval. Given the likely multidimensional character of a future operation and the need to ensure unity of effort by the United Nations system, and in order to best face the logistical challenges, the advance team should include experts in all of the above listed areas, liaison officers, security staff

and a strong mission support element. The advance team would ensure cohesive preparations with the United Nations country team for the Organization's role in post-conflict Sudan and would establish high-level contacts as well as working relationships with the parties on the ground and would include up to 25 military liaison officers and military support elements. The military liaison officers would deploy in the main envisaged sectors; they would establish military contacts with the parties on practical preparations for a future United Nations operation and would promote, to the extent possible, liaison arrangements between the parties' armed forces in the field. The mission support element would necessarily need to be robust so as to ensure that it would be able to provide the technical planners with effective support services while it simultaneously continues the ongoing practical administrative and logistical preparations for the eventual smooth and timely establishment of the monitoring and verification peace support operation. These preparations include the survey and preparation of reception and staging areas, deployment sites and communications relay sites, the pre-positioning of critical equipment, and the identification of qualified local staff candidates for subsequent recruitment. The team would also require the services of a dedicated aircraft to permit it to travel freely within the area. It is envisaged that the advance team would be absorbed into a full mission, should the latter be established by the Security Council upon the signing of a comprehensive peace agreement.

16. I intend to appoint very soon the senior leadership of a future United Nations peace operation, including a Special Representative and two Deputy Special Representatives to head the ongoing preparations. While I envisage that my Special Representative, with key members of the advance team, would lead the United Nations delegation at the final phase of peace talks in Naivasha, I would immediately dispatch to the Sudan one of my Deputy Special Representatives, who would also serve as the United Nations Resident/Humanitarian Coordinator. I believe it is important to make these key appointments at this stage in order to ensure continuity between the negotiations at Naivasha and the later implementation phases, and to facilitate quickly the deployment of a new United Nations Resident/Humanitarian Coordinator, in the light of the present humanitarian emergency inside the Sudan.

17. In order to carry out the above tasks, the advance team would need the full cooperation, at all times, of the Government of the Sudan and the SPLM/A. In particular, the team would need to be granted all necessary privileges, immunities and facilities so that it can effectively perform its functions, including complete and unrestricted freedom of movement throughout the Sudan by the most direct routes possible, exemption from passport and visa regulations, the right without any restriction to import and export all necessary property, supplies and equipment, freedom of communications and the ability to recruit local staff. In order to confirm the commitment of the Sudanese parties to undertake the necessary practical steps to enable the advance team to begin to carry out its functions, I will initiate consultations on a draft agreement with the Government of the Sudan and the SPLM/A as soon as the Security Council has taken the decision to authorize the establishment of the advance team. Such an agreement would in principle provide for the application of the 1946 Convention on the Privileges and Immunities of the United Nations, to which the Sudan is a party, and would, in accordance with General Assembly and Security Council resolutions on peacekeeping and peace operations, include relevant provisions of the model status-of-forces agreement

(A/45/594) and the Convention on the Safety of United Nations and Associated Personnel. Provisions granting facilities to contractors and their employees engaged by the United Nations to supply goods and/or services would also be included in such an agreement.

IV. Concluding observations

18. The recent signing of the protocols on power-sharing, on the areas of Nuba Mountains and Southern Blue Nile, and on Abyei, have given the Sudanese people, and indeed the whole region, hope that a definitive end can now be brought to the terrible war that has afflicted the lives of millions of Sudanese for over 20 years. The international community is unanimous in its desire to see the peace process brought to an early and successful conclusion. I am convinced that the deployment of an advance team, recommended in the present report, would show the commitment of the international community to assist the parties. It would also enhance the United Nations own ability to engage quickly in assisting the Sudanese people in their transition to a long-awaited new era of peace and development.

19. The Sudanese peace process has come a long way in recent months after years of false dawns. The IGAD-sponsored negotiations have been a long process that has frequently faced the prospect of breakdown. At long last, after so many years of war, the parties have brought their country to a historic juncture that represents the best chance to bring to a close one of Africa's longest and most intractable wars. I salute the parties and particularly the leaders of the respective delegations, First Vice-President Ali Osman Mohammad Taha and SPLM/A Chairman Dr. John Garang de Mabior, for their commitment in concluding the framework protocols. I applaud the work of all the external partners in this peace process, particularly the IGAD mediation team, led by Kenya, the Troika countries of Norway, the United Kingdom of Great Britain and Northern Ireland and the United States of America, and the members of the IGAD Partners Forum.

20. However, at the same time as the international community congratulates those who have worked so hard for a negotiated settlement, a note of caution seems in order in three areas of particular concern: that the parties implement what they have signed in good faith; that the parties use their influence to bring to an immediate halt the fighting in the Darfur region, in the Malakal area of Upper Nile and elsewhere, which continues to destroy lives and livelihoods; and that the international community understand and concur that peace will only be attained in the Sudan through continuing constant engagement, requiring extensive investment and funding.

21. Implementing the framework protocols in the Sudan will be every bit as hard as drawing them up and there will be multiple occasions during the next six and a half years when the optimism we feel now will seem a distant memory. Each party has made considerable sacrifices to conclude these protocols; many more sacrifices will have to be made if they are to be respected during peace implementation. I call on the parties to respect their commitments for it is only by implementing their agreements in good faith that they have the power to offer their people a peaceful, stable future, one in which all Sudanese can live without fear of violence and discrimination, where the ideals which the parties have enshrined in the Machakos

Protocol, namely democracy, human rights, freedom of religion and self-determination, have a central place.

22. At the same time as the Government of the Sudan and the SPLM/A are pledging themselves to peace, fighting continues to rage in parts of the country. I am deeply concerned at the violence that has afflicted the people of the Shilluk region in the Upper Nile region in south Sudan, as well as the recent spate of clashes in other parts of the south. I call on the Government and the SPLM/A to demonstrate their commitment to peace by using their influence to ensure a complete halt to fighting. Similarly, the catastrophic situation in Darfur is a problem that will make a Sudanese peace agreement much harder to implement. A meaningful agreement on Darfur will be fundamental to the success of a future United Nations role in the Sudan; to conduct a consent-based monitoring and verification operation in one part of the country while there is ongoing conflict in another part would prove politically unsustainable inside the Sudan and internationally. I urge the parties to that conflict to conclude a political agreement without delay.

23. I also call upon the international community to continue to play its part during the final phase of negotiations and during the long interim periods that will follow a comprehensive peace agreement. The efforts of the United Nations will represent only a small fraction of the work that is required for peace to take hold in the Sudan. Solid support and investment from the international community will be pivotal to the successful conclusion of the peace process. Rebuilding such a vast country will be a huge undertaking. Without an enduring, patient commitment there is a real possibility that south Sudan could slide back into conflict and chaos. I urge the international community to make that investment to help achieve peace for the long-suffering Sudanese people and for the stability and economic well-being of the region. As a first step, I recommend that the Security Council support the creation of an advance team as outlined in paragraphs 15 and 16 of this report, for an initial period of three months.

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Letter dated 1 June 2004 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the President of the Security Council

On instructions from my Government, I regret to inform you that since Wednesday, 26 May 2004, events of a very grave nature have been taking place in around Bukavu, following new acts of flagrant insubordination by a number of officers of the 10th Military Region under the command of Colonel Jules Mutebuzi, deputy commander of the military region in question, who for the second time in three months has provoked clashes.

The immediate cause of the clashes is the notorious indiscipline of a group of soldiers from the forces of Colonel Mutebuzi, currently under suspension, who, for reasons unknown to their superiors and without written authorization, sought to cross the border into neighbouring Rwanda. In keeping with their orders, the troops stationed at the border naturally prevented them from doing so. One member of the group of indisciplined soldiers showed his annoyance by committing acts that obliged the troops stationed at the border to subdue him and place him in detention at Camp Saio. Upon receipt of the news, Colonel Mutebuzi dispatched reinforcements consisting of a group of soldiers loyal to him to forcibly release the arrested soldier. That was the origin of all the clashes that we are now witnessing.

The United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) immediately attempted to intervene and, following discussions that it initiated and certain arrangements that it was able to put in place, a degree of calm was restored.

Unfortunately, the hostilities resumed the next day, 27 May 2004, at 0645 hours, with greater intensity. By about 1300 hours, the loyalist troops succeeded in routing the mutineers.

On 28 May 2004, other mutinous officers under the command of General Laurent Mihigo Nkunda readied five battalions (approximately 1,000 soldiers) and dispatched them from Goma on the road to Bukavu to reinforce Colonel Mutebuzi's troops. At the same time, other troops based in the Ruzizi plain also began to move towards Bukavu, while the mutinous elements loyal to Colonel Mutebuzi, who had taken over the Nguba district in Bukavu, were engaged since the morning in looting stores, markets and carefully selected residences while also committing acts of flagrant human rights violations.

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On 31 May 2004, the sound of mortar fire was heard. The mutinous troops were by then in the vicinity of the airport at Kavumu, which was defended by MONUC, and on the outskirts of Bukavu. In the absence of vigorous action by the international community, there is every indication that Bukavu will be attacked by the mutineers belonging to the RCD/GOMA faction and dispatched from Goma, and by those coming in from the Ruzizi plain, with logistic support from Cyangungu (Rwanda), as the progress of the mutineers towards Bukavu observed on 1 June 2004 seems to indicate.

For its part, MONUC has evoked the threat of the use of Chapter VII, as it is authorized to do by resolution 1493 (2003) of 28 July 2003. While underscoring its appreciation for the action taken during the crisis by MONUC with its limited resources, the Government of Transition urges it to continue its assistance with a view to restoring law, order and stability to Bukavu as quickly as possible.

The Government of Transition has also held several meetings with MONUC to exchange information and to coordinate action with a view to the establishment of an adequate coordination framework for the smooth management of operations in the field and of information so as to prevent any deterioration of the situation.

On the instructions of the President of the Republic and Head of State, His Excellency Major General Joseph Kabila, the Government has also organized a briefing session on the current situation in Bukavu for ambassadors accredited to Kinshasa.

The Head of State has also dispatched a high-level delegation headed by the Minister for Foreign Affairs and International Cooperation to meet with the President of the Rwandese Republic, His Excellency Mr. Paul Kagame, and update him on all the developments on the ground as well as to urge him not to become involved in a problem that is internal to the Congolese Armed Forces.

Communiqués have been issued by the Government of Transition to accurately inform the population about the situation in Bukavu, urge them to be calm and caution them against any temptation to fall into the trap of ethnic hatred and any desire for vengeance.

In one of these communiqués, the Government stressed the need to avoid the "*ituriization*" of the province of Sud-Kivu by contriving a conflict between communities.

Despite all the efforts made, the provisional toll to date is some fifty deaths, mostly of innocent civilians. In addition, all the stores in Nguba, the district controlled by Mutebuzi's mutineers, have been looted and plundered. The homes of some local officials who disapprove of the actions of Mutebuzi have been visited and sacked and their occupants subjected to all manner of physical maltreatment. The convents situated in the same district have not been spared and the nuns' lives were saved only thanks to the intervention of MONUC, which recognized the mutineers of Colonel Mutebuzi during their intervention.

A European national, the head of a local NGO, was raped at her home by Colonel Mutebuzi's mutinous troops. According to MONUC, more than 300 persons, including 100 expatriates, seeking refuge were allowed into its headquarters in Bukavu.

The MONUC contingent suffered one dead and several wounded. Subject to the findings of an independent inquiry, all the information in our possession indicates that General Laurent Mihigo Nkunda and his mutinous forces are responsible for the losses inflicted on MONUC.

The Head of State, on behalf of the Republic, has extended his condolences on the death of the member of the United Nations Blue Helmets and his best wishes for the full recovery of the wounded United Nations observer. He has welcomed the news that the missing Blue Helmet is unharmed.

On 2 June 2004, the town of Bukavu fell to the mutineers who, according to the Special Representative of the Secretary-General in the Democratic Republic of the Congo, Ambassador William Swing, speaking this morning on Radio Okapi, benefited from the support of "a third column from the east of the Democratic Republic of the Congo".

The Government of Transition wishes to assure the Security Council that this mutiny will in no way affect the continuation of the transition period that will culminate in free, transparent and democratic elections in the country. The law will be applied strictly and in a fully transparent manner against the mutinous troops, in accordance with the provisions of the Military Penal Code currently in force in the Democratic Republic of the Congo (Act No. 024/2002 of 18 November 2002), which punishes acts of mutiny, rebellion, refusal to obey and threats and insults against superiors.

The Government of Transition would nevertheless like the Security Council to meet urgently to consider the situation created by the mutiny in Bukavu in order to, inter alia:

1. Condemn the events that led to the fall of the town of Bukavu;

2. Discuss the role of the United Nations and more particularly of the Security Council in support of any peace process sponsored both by the universal Organization and by the principal organ of the United Nations that is charged with the maintenance of international peace and security;

3. Review the role of MONUC in the defence of the transitional institutions established pursuant to the Comprehensive and Inclusive Agreement on the Transition in the Democratic Republic of the Congo, including the support to be provided to these institutions with a view to the restoration of the authority of the State throughout the national territory. To that end, it would be appreciated if the Security Council would provide MONUC with all the resources it needs to discharge its mandate;

4. Envisage the possibility of exemplary sanctions if it turns out that the mutineers have benefited from any outside assistance;

5. Call on all the countries and parties to this crisis to put an end to any action that would be detrimental to peace in the region;

6. Ensure strict compliance with its resolution 1493 (2003) of 28 July 2003, in particular paragraphs 10, 15 to 21 and 24 to 26 thereof;

7. Carefully examine the particular case of "General" Laurent Mihigo Nkunda. The Security Council will recall that this individual was cited by name in the report (S/2002/764) of the High Commissioner for Human Rights (Ms. Mary Robinson) for

his role in the massacres perpetrated in Kisangani on 14 and 15 May 2002 that caused the deaths of thousands of residents of the martyred city. The Security Council will also recall that at its 4705th public meeting, held on 13 February 2003, the High Commissioner for Human Rights (Mr. Sergio Vieira de Mello) had urgently requested the Security Council to give him and MONUC a clear mandate so that all the military officials that had been clearly identified in the report of Ms. Mary Robinson could be suspended from their functions and arrested. MONUC would be well advised to stop considering him as a valid interlocutor and see him instead as a renegade officer and proceed to arrest him immediately under the provisions of Chapter VII of the mandate of MONUC.

My Government should be grateful if you would arrange for this letter to be circulated as a document of the Security Council.

(*Signed*) Ileka **Atoki**
Ambassador
Permanent Representative

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Letter dated 3 June 2004 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the President of the Security Council

On instructions from my Government, I have the honour to transmit to you herewith the communiqué issued at the extraordinary session of the Council of Ministers of the Democratic Republic of the Congo held on Wednesday, 2 June 2004, under the chairmanship of the President of the Republic and Head of the State, His Excellency Major-General Joseph Kabila (see annex).

Inasmuch as the involvement of the Rwandese Republic in the tragic events of Bukavu is a known fact, my Government requests the United Nations Security Council to adopt exemplary sanctions with regard to that country, **which remains to this day the sole obstacle to the overall peace process taking place in the Great Lakes region.**

My Government appeals to the international community as a whole to apply pressure to Rwanda to withdraw its troops not only from Bukavu, but from all Congolese territory.

My Government would also like to bring squarely to the attention of the Security Council the fact that "officers" prosecuted by Congolese and international judicial authorities, being assassins having little respect for human rights (as is the case of Laurent Mihigo Nkunda) and tools in the hands of Rwanda who head the rebel soldiers of Bukavu, cannot act without the support of a bordering country. In this region adjacent to Rwanda and Burundi, Rwanda alone has the requisite supporting logistics.

My Government requests you to have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Atoki **Ileka**
Ambassador
Permanent Representative

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Annex to the letter dated 3 June 2004 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the President of the Security Council

Communiqué of the Council of Ministers of the Democratic Republic of the Congo

1. The Council of Ministers of the Democratic Republic of the Congo met in an extraordinary session at the Cité de l'Union Africaine on Wednesday, 2 June 2004, upon being convened by the President of the Republic and Head of the State, His Excellency Major-General Joseph Kabila.

2. The agenda included a single item, namely, the situation in Bukavu.

3. After hearing the report of the President of the Republic on the evolution of the military situation in Bukavu, the Council of Ministers engaged in a debate, the conclusions of which are as follows:

3.1. Since 25 May 2004, the Democratic Republic of the Congo, our country, has been the object of an attempt to destabilize Nord-Kivu and Sud-Kivu which has this day resulted in the occupation of Bukavu by the Rwandan Patriotic Army;

3.2. The ethnic problems, and more specifically protection of the Banyamulenge, alleged as grounds for the Bukavu attack, are part of a manoeuvre by Rwanda to justify its aggression against the Democratic Republic of the Congo, as has been the case in the past;

The Government congratulates the Congolese population on not having yielded to that provocation;

In fact, the object being pursued is to put an end to the process of effective reunification of the country. This is perfectly illustrated by the simultaneity of the eruption of the Bukavu events and the swearing-in of the governors and vice-governors of the province.

4. The Government condemns in the strongest terms the violation of the territorial integrity and sovereignty of the Democratic Republic of the Congo by Rwanda in defiance of the relevant provisions of the Charter of the United Nations and resolutions of the African Union.

5. The Government requests the Security Council strongly to condemn Rwanda for this act of aggression and demands that the Council take appropriate measures under the Charter of the United Nations to put an end to it.

6. Similarly, the Government reminds the Security and Peace Council of the African Union of its responsibilities and expects the Union effectively to sanction the violation of its Charter constituted by this renewed aggression against the Democratic Republic of the Congo by Rwanda.

7. The Government calls upon the entire Congolese people to mobilize as a single man from North to South, from East to West, in order to thwart the diabolical manoeuvres aimed at destabilizing the country and to save the current transition process, making sure that no situation gets out of hand.

8. In accordance with article 74 of the Constitution, the Government requests the President of the Republic, in view of the extreme gravity of the situation, to take forthwith the measures provided for by articles 135 and 136 of the Constitution with a view to declaring a state of emergency throughout the national territory.

9. In order to cope with the situation and preserve the transition process, the Government has set up three crisis units in charge, respectively, of:

9.1. Military and security questions;

9.2. Diplomacy and communication;

9.3. Finance and logistics.

Kinshasa, 2 June 2004

Simon **Tshitenge**
Vice-Minister of the Press and Information

United Nations S/2004/456

Security Council

Distr.: General
4 June 2004

Original: English

Report of the Secretary-General on developments in Guinea-Bissau and on the activities of the United Nations Peace-building Support Office in that country

I. Introduction

1. The present report is submitted pursuant to paragraph 14 of Security Council resolution 1233 (1999) of 6 April 1999, by which the Council requested me to keep it regularly informed and to submit a report to it on developments in Guinea-Bissau and on the activities of the United Nations Peace-building Support Office in Guinea-Bissau (UNOGBIS). Subsequently, the Security Council, at its informal consultations on 8 July 2002, requested me to submit a written report to it every six months.

2. Since my last report, of 5 December 2003 (S/2003/1157), my Representative in Guinea-Bissau, on 6 April 2004, briefed members of the Council on the legislative elections held on 28 March 2004, as well as on their preliminary results. The present report concentrates on developments in the country since that briefing, highlighting, in particular, further progress made by national authorities in the implementation of the transitional process due to end with the holding of presidential elections in March 2005. It also highlights the current challenges confronting the new authorities and the contributions of UNOGBIS and the United Nations country team in support of the Government's efforts to address those challenges.

II. Political developments

3. During the period under review, important progress continued to be made towards restoring constitutional order, in accordance with the Transition Charter provisions and calendar. Following the 26 January 2004 elections for the President and the Vice-President of the Supreme Court of Justice and the conduct of credible legislative elections on 28 and 30 March 2004 and the subsequent installation of a new National Popular Assembly and a new Government, the first phase of the transition has thus been completed.

4. Since the formation of the new Government on 11 May 2004, the new authorities, mindful of the popular expectation for tangible change, have established priorities for the successful completion of the transitional and mid-term periods.

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5. Their efforts have been guided by two considerations. The first is to consolidate national reconciliation and to ensure the full restoration of constitutional order and fortify the rule of law and respect for human rights. The second is to continue developing stable and constructive relations with the country's neighbours and other international partners.

6. Among the concrete priority objectives set by the Government are the creation of necessary institutional capacity for assuming national responsibility for good governance, accountable and transparent financial management and the improvement of socio-economic conditions.

A. The results of the legislative elections of 28 and 30 March 2004

7. The election results announced by the National Electoral Commission on 4 April 2004 showed that the African Party for the Independence of Guinea-Bissau and Cape Verde (PAIGC) obtained 45 seats in the 102-member National Popular Assembly, while the party of former President Yala, the Party of Social Renewal (PRS), obtained 35 seats. The United Social Democratic Party (PUSD), led by Francisco Fadul, received 17 seats, with 2 seats going to the Electoral Union (UE) and 1 seat to the United Popular Alliance (APU). Thus, none of the parties received an absolute majority.

8. After the publication of the results and the subsequent ruling by the Supreme Court rejecting claims of fraud by PRS and APU, all four parties accepted the results and reached agreement on the formal composition and opening of the National Popular Assembly. With the transfer, on 7 May 2004, by the National Transition Council of its power to the newly elected National Popular Assembly and the Assembly's inauguration, the Council ceased to exist as provided for in the Transition Charter. For the first time in Guinea-Bissau's history, the National Popular Assembly included two female members in its five-member Parliamentary Bureau.

B. Establishment of a new Government

9. Following the inauguration of the National Popular Assembly, the President of the Republic appointed Carlos Gomes Junior, head of PAIGC, as Prime Minister. On 11 May 2004, Mr. Gomes Junior announced a 24-member Government which, though composed exclusively of PAIGC supporters, represented all ethnic groups and included five women. High-level delegations from Angola, Cape Verde, Portugal, South Africa, the Community of Portuguese-Speaking Countries and the Economic Community of West African States (ECOWAS) attended the official investiture of the new Government on 12 May 2004.

10. To facilitate further the ongoing constructive political dialogue, UNOGBIS organized a meeting, on 19 May 2004, between the new Government, the Bureau of the National Popular Assembly and representatives of the international community, including ambassadors accredited in Bissau and representatives of United Nations agencies. The meeting encouraged the new authorities to build on the progress achieved so far in the normalization of the political situation, based in particular on their faithful adherence to the provisions of the Transition Charter.

III. Military and security aspects

11. The overall situation in the country has remained peaceful. However, the ethnic imbalance within the military, unpaid salary arrears for security forces as well as the poor condition of barracks and infrastructure continue to be seen as potentially destabilizing factors. Meanwhile, the authorities have recognized that the reorganization of the armed forces remains one of the country's top priorities.

12. At the request of the Chief of Staff of the Armed Forces, General Verissimo Correia Seabra, UNOGBIS, in close collaboration with ECOWAS and bilateral partners, has initiated the planning process for the proposed reform of the armed forces.

13. With regard to the demobilization, reinsertion and reintegration programme, the reintegration component is proceeding well and the Government has received additional resources from the World Bank to increase the number of beneficiaries to 7,376 from 4,372.

14. Under the supervision of the United Nations Development Programme-supported National Mine Action Coordination Authority, progress towards the elimination of mine-related risks continues. Seventeen suspected minefields and unexploded ordnance battlefields have been identified in and around the capital. At the end of April 2004, the two national mine clearance non-governmental organizations had removed 2,550 landmines and 15,000 unexploded ordnances within an area of 615,000 square metres in Bissau. The United Nations Development Programme (UNDP), the United Nations Children's Fund and the World Food Programme have provided support to various dimensions of mine action. On 27 April 2004, the Government of Germany contributed €520,000 through two non-governmental organizations, CARITAS and HUMAID, to support the demining operations.

IV. Human rights aspects

15. In the ongoing effort to help reinforce national capacity for the protection and respect of human rights, UNOGBIS has helped to develop a National Human Rights Action Plan, which was submitted to the Inter-ministerial Committee in March 2004. That body, which is composed of two senior representatives from each ministry, was established at the initiative of UNOGBIS with a view to incorporating human rights principles into the day-to-day work of the Government. The Committee is expected to submit a final plan to the National Popular Assembly

16. During the reporting period, UNOGBIS continued to follow closely the cases of 20 persons accused of attempted coups d'état and arbitrarily detained since December 2002. Their continued detention presents a challenge for the authorities, since many of the detainees have now been held almost 18 months without being formally charged. Some have been questioned by the Army Investigation Committee and the Military Tribunal, while the State Prosecutor has reported that he was unaware of the detention of others. To assess detention conditions, UNOGBIS periodically visited the detainees and made recommendations to the authorities. Following the intervention of the Office with the President of the Supreme Court of Justice, UNOGBIS received assurances that as the military tribunal lacked adequate

logistical and financial means, the trial of those detainees would proceed in criminal courts so as to avoid any further delay.

17. Furthermore, UNOGBIS has been seeking to introduce human rights education at all levels of the educational system. The University of Bissau, which is planning to provide law courses, is also working with UNOGBIS on the introduction of human rights courses. The education campaign will be centred on a handbook on human rights, together with a poster on the Universal Declaration of Human Rights, both of which were designed and published in Portuguese by UNOGBIS.

18. UNOGBIS has also continued to promote gender equality and the implementation of Security Council resolution 1325 (2000) on women, peace and security. The election of a woman, Maria do Céu Silva Monteiro, as President of the Supreme Court and the appointment of five women to ministerial posts and two women in the Bureau of the National Popular Assembly are encouraging developments which show the growing realization by the national authorities of the important role women play in the political process. Together with other entities of the United Nations, UNOGBIS is continuing to work with the Government for the ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

V. Economic and social aspects

19. The economic situation in Guinea-Bissau remains difficult, with two out of three people living in poverty, while the country's public finances continue to experience severe limitations.

20. To respond to the economic and budgetary crisis, the Transitional Government, supported by the International Monetary Fund (IMF), the World Bank, the African Development Bank (ADB) and UNDP, formulated an emergency budget for 2004 and an emergency economic management plan, delineating key commitments in the areas of fiscal responsibility and good governance to ensure a way forward towards early recovery. A financing gap of US$ 18.3 million was initially recorded in the emergency budget and is expected to be updated with the assistance of IMF during its upcoming mission in June 2004.

21. To support the country in the implementation of the emergency economic management plan, a special multidonor Emergency Economic Management Fund for Guinea-Bissau, initiated by the Ad Hoc Advisory Group on Guinea-Bissau of the Economic and Social Council, has been set up to enable the Government to resume the provision of social services and key public administration activities. The Fund, established within the framework of a partnership approach elaborated by the Group and administered by UNDP, is intended to be operational until the end of 2004. The Fund has so far received contributions amounting to just over $4 million, out of an overall target of $18.3 million; there is thus a shortfall of over $14 million.

22. Among the contributors to the Fund, the Netherlands provided $2,137,767, Sweden, $961,538, Portugal (through the Community of Portuguese-Speaking Countries), $504,568, France, $621,890 and Brazil (through the Community of Portuguese-Speaking Countries), $50,000. The Fund has already disbursed $2,459,950 that were used by the Government to pay January through April 2004 salaries for 11,000 civil servants. Unpaid salary arrears still constitute a critical

problem for the country, especially given that the State revenues have been far short of projections.

23. In the first four months of 2004, the Government of Guinea-Bissau has also benefited from bilateral donations in the amount of about $7 million from Portugal, Ghana, Angola and the West African Economic and Monetary Union.

24. In December 2003, the Country Director for Guinea-Bissau of the World Bank (WB) visited the country for high-level talks and later announced that Guinea-Bissau would be receiving a $13 million credit from the Economic Rehabilitation and Recovery Credit suspended nearly three years ago. After the recent establishment, in May 2004, of the new Government, preparations were launched to facilitate the visit of a joint IMF/WB/ADB mission to Guinea-Bissau in June 2004 to assist the authorities with updating the budget outlook for the remainder of the year and finalize the long-overdue technical assistance master plan for the Ministry of Economy and Finance. In addition, the mission plans to use this opportunity to present the new World Bank interim support strategy to the Government and the donor community. Meanwhile, UNDP, in coordination with the international community and the Bretton Woods institutions, intends to organize a round table conference in the last quarter of the year.

VI. Observations

25. The successful holding of the March 2004 legislative elections marked a major step forward towards restoring constitutional order to Guinea-Bissau. I wish to commend the transitional authorities for their commitment to the implementation of the provisions of the Transition Charter and to promote the rule of law. In addition, I would like to thank the people of Guinea-Bissau for their patience, maturity and dedication to democracy exemplified by their desire to exercise their right to vote during those elections.

26. I am encouraged by the manner in which the country's principal actors managed to reach consensus on critical political challenges they faced during and after the elections. This bodes well for the future.

27. In Guinea-Bissau's semi-presidential system, the ability of the President and the Prime Minister to work in close collaboration towards shared goals would be a key factor for effective leadership and institutional stability.

28. Given that peace cannot be built by outsiders, it is imperative that the Government remain in the lead. If the elected leaders are unable or unwilling to shoulder their sovereign responsibilities, especially in the absence of viable and accountable State structures, neither peace nor development can emerge or endure.

29. I am encouraged by signs of greater participation of women in the political life of the country. UNOGBIS has been encouraged to continue its efforts to promote further gender equality through, in particular, the strengthening of the capacity of women from various political parties in peace-building and conflict resolution.

30. On the whole, the democratization process in Guinea-Bissau remains fragile. The country continues to need the support of the international community to complete the transition to constitutional order. It also lacks resources to strengthen

the capacity of State institutions and structures to address the country's deep-rooted structural problems.

31. I commend the work undertaken by the Ad Hoc Working Group on Conflict Prevention and Resolution in Africa of the Security Council, the Ad Hoc Advisory Group on Guinea-Bissau of the Economic and Social Council and the Group of Friends of Guinea-Bissau. Their combined efforts have played a significant role in energizing the United Nations system, the Bretton Woods institutions, subregional organizations and other partners of Guinea-Bissau to assist the country in addressing both its short-term post-conflict crisis and longer-term development goals. The Emergency Economic Management Fund, established as a result of these efforts, is a useful instrument in channelling financial assistance to the country.

32. I wish to commend the efforts of the country's partners who have helped Guinea-Bissau to complete the first phase of the transition and call on them to continue their support to help the country successfully complete the transitional process in March 2005. I hope that the holding of a successful round table conference, planned for the last quarter of this year, will help respond to some of the most urgent needs of Guinea-Bissau.

33. I also wish to commend strongly the continued engagement of the Bretton Woods institutions in the country and encourage their enhanced constructive involvement in Guinea-Bissau.

34. Finally, I should like to pay tribute to the staff of UNOGBIS and the entire United Nations country team for their persistent and tireless work. In particular, I wish to pay tribute to my former Representative, David Stephen, who served in Guinea-Bissau from February 2002 to April 2004, until his retirement from the United Nations. His dedicated efforts greatly contributed to the restoration and consolidation of peace in that country.

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General Assembly
Security Council

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7 June 2004
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General Assembly
Fifty-eighth session
Agenda item 37
The situation in the Middle East

Security Council
Fifty-ninth year

Letter dated 4 June 2004 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General

On instructions from my Government, I provide you with the following summary of Israeli violations and acts of aggression against Lebanon:

23 May 2004

Between 0115 and 0515 hours an Israeli military boat in the open sea off Ra's Naqurah fired a flare bomb and a number of rounds from medium-calibre weapons over the territorial waters.

25 May 2004

Between 1550 and 1725 hours Israeli enemy forces positioned at Ruwaysat al-Alam, within the occupied Shab'a Farms area, fired a number of rounds at the area around the said position.

26 May 2004

Between 0400 and 0530 hours an Israeli military boat in the open sea off Ra's Naqurah fired two flare bombs and a number of rounds from medium-calibre weapons over the territorial waters. At 2005 hours it returned and again fired a number of rounds.

27 May 2004

At 1545 hours Israeli enemy forces positioned at Ruwaysat al-Alam, within the occupied Shab'a Farms area, fired a number of rounds at the area around the said position.

At 2259 hours Israeli enemy forces positioned at Ruwaysat al-Alam, within the occupied Shab'a Farms area, fired a number of rounds at the area around the said position.

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28 May 2004

At 1910 hours an Israeli military boat in the open sea off Ra's Naqurah fired a number of rounds from medium-calibre weapons over the territorial waters.

30 May 2004

Between 0648 and 0800 hours an Israeli reconnaissance aircraft flew at medium altitude over the sea off Tyre, then headed east and circled over the Tyre, Nabatiyah and Sidon regions, thus violating Lebanese airspace.

Between 1658 and 2040 hours an Israeli reconnaissance aircraft flew at medium altitude over the sea off Tyre, then headed north and circled over Beirut, thus violating Lebanese airspace.

31 May 2004

Between 0710 and 0800 hours an Israeli reconnaissance aircraft flew at medium altitude over the sea off Tyre, then headed east and circled over the Tyre and Zahrani areas, thus violating Lebanese airspace.

Between 1602 and 0115 hours an Israeli reconnaissance aircraft flew at medium altitude over the sea off Tyre, then headed over the plain of the Bekaa and circled over the Riyaq and Anjar areas, thus violating Lebanese airspace.

Between 0715 and 1330 hours Israeli military aircraft overflew the sea off Sidon at medium altitude, headed east towards the Bekaa plain, circling over the areas of Jubb Jannin and Anjar, then headed west towards Sidon, thus violating Lebanese airspace.

These grave violations are part of a series of persistent and provocative Israeli violations of Lebanese airspace and territory and are in contravention of the principles of international law and the resolutions of international legitimacy, and the Secretary-General of the United Nations has repeatedly called for their cessation.

In view of these violations and the stepping-up of Israeli threats to Lebanon and the safety of its territory and its citizens, Lebanon calls upon the Security Council to deter and prevent Israel from such dangerous acts, which pose a threat to international security and peace. Israel must assume full responsibility for those acts and for any consequences to which they may give rise.

In drawing your attention to the gravity and possible consequences of such acts, I request to have this letter of complaint circulated as a document of the General Assembly, under agenda item 37, and of the Security Council.

(*Signed*) Sami **Kronfol**
Ambassador
Permanent Representative

United Nations S/2004/458

Security Council

Distr.: General
7 June 2004

Original: English

Letter dated 4 June 2004 from the Permanent Representative of Mozambique to the United Nations addressed to the President of the Security Council

In my capacity as the representative of the current Chairman of the African Union, I have the honour to transmit herewith a communiqué concerning the situation in the Democratic Republic of the Congo issued by the 11th meeting of the Peace and Security Council of the African Union, held in Addis Ababa on 4 June 2004 (see annex).

I should be grateful if the present letter and its annex were circulated as a document of the Security Council.

(*Signed*) Filipe **Chidumo**
Ambassador
Permanent Representative of the Republic of Mozambique
to the United Nations
Representative of the current Chairman of the African Union

04-37846 (E) 080604

Annex to the letter dated 4 June 2004 from the Permanent Representative of Mozambique to the United Nations addressed to the President of the Security Council

[Original: English and French]

Communiqué of the 11th meeting of the Peace and Security Council

The Peace and Security Council (PSC) of the African Union (AU), meeting in its eleventh meeting, on 4 June 2004, considered the situation in the Democratic Republic of Congo (DRC). On that occasion, the PSC listened to the representatives of the DRC and Rwanda.

At the end of its deliberations, the PSC adopted the following communiqué:

A. ON THE SITUATION IN THE DEMOCRATIC REPUBLIC OF CONGO (DRC)

Council,

1. **Expresses** its grave concern over the prevailing situation in Bukavu and in the Eastern Democratic Republic of Congo (DRC) in general;

2. **Strongly condemns** the occupation, on 2nd June 2004, of the city of Bukavu by dissident soldiers of the new Congolese National Army, as well as the acts of looting, rape and massive violations of human rights that accompanied the occupation of the city;;

3. **Further condemns** any act of incitement of ethnic hatred and any other act likely to generate discord among the local communities;

4. **Urges** all the parties concerned to exercise restraint and to seek a peaceful solution to the current crisis through dialogue;

5. **Takes note** of the announcement by the mutineers of their decision to withdraw from Bukavu and **demands upon them** the immediate transfer of the administration of the province to the civilian and military authorities designated by the Government, in conformity with the letter and spirit of the Comprehensive and All-Inclusive Agreement and the Constitution governing the transition;

6. **Reiterates** AU's full support to the peace and reconciliation process in the DRC, as well as to the transitional institutions. In this respect, Council **underlines** the importance of bringing to a successful end the process of reestablishing the authority of the State over the whole Congolese territory, as well as the process of establishing a unified army and security services;

7. **Renews its support** to the United Nations Mission in Congo (MONUC) and welcomes the efforts being deployed by the Mission to restore peace and security in the country, in order to create conditions conducive to the successful conclusion of the transition process;

8. **Urges** the UN Security Council to increase the size of MONUC and to provide it with additional means, to enable it lend a more effective support to the peace process in tthe DRC and, in this regard, **requests** the AU Member States to stand ready to provide **troops to the** United Nations in order to strengthen MONUC;

9. **Appeals** to the Governments of the region, **in particular the DRC and Rwanda,** to work more vigorously towards the promotion of an atmosphere of confidence and dialogue and the strengthening of their relations, to facilitate the successful conclusion of tthe peace process in the DRC and the efforts of the international community to promote peace and stability in the region. Council **urges** the parties to scrupulously comply with the agreements they have signed, including the verification mechanisms that have been put in place;

10. **Welcomes** the decision of the Chairperson of the Commission to dispatch an Envoy to the DRC and Rwanda and encourages him, in consultation with the Secretary-General of the United Nations, to take any other initiative he would deem necessary to overcome the current crisis, including in its humanitarian dimension, and to facilitate the successful conclusion of the peace process in the DRC.

United Nations S/2004/459

Security Council

Distr.: General
7 June 2004

Original: English

Letter dated 7 June 2004 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council

On instructions from my Government, I have the honour to forward herewith a communiqué by the Ministry of Foreign Affairs and Cooperation of the Rwandese Republic on the recent developments in the eastern Democratic Republic of the Congo (see annex).

I would be grateful if you have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Stanislas **Kamanzi**
Ambassador
Permanent Representative

04-37814 (E) 080604

Annex to the letter dated 7 June 2004 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council

Communiqué

The Government of the Rwandese Republic is concerned that the Government of the Democratic Republic of the Congo, and some in the international community, instead of working towards finding a durable solution to the crisis in the eastern Democratic Republic of the Congo and Bukavu in particular, have chosen to blame Rwanda for the failures of the Transitional Government in the Democratic Republic of the Congo.

The Government, confident that the massive presence of the international community through the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) in Bukavu would have quickly dismissed the lies peddled by the Government of the Democratic Republic of the Congo that Rwandan troops took, and continue to hold territory in the Democratic Republic of the Congo, including Bukavu, chose the path of restraint in the light of grave provocation from the Government of the Democratic Republic of the Congo. It is therefore most dismaying to note that MONUC has not, up to this time, reacted to a declared intent by the Government of the Democratic Republic of the Congo, to go to war against Rwanda.

The Government is gravely concerned that the belligerent tone adopted by the Head of State of the Democratic Republic of the Congo and his Government and the hostile statements they have made towards the Rwandese Republic are a grave violation of the Lusaka Ceasefire Agreement, the United Nations Charter, and numerous Security Council resolutions.

The Government is further seriously concerned that President Kabila and the Government of the Democratic Republic of the Congo have chosen to mobilize all diplomatic, military and political resources to wage war on the Rwandese Republic. The Government is concerned that despite numerous heads of State summits, two negotiated agreements on the matter, and numerous Security Council resolutions, President Kabila and his Government have not shown the same political resolve with respect to the ExFAR/INTERAHAMWE forces, which committed genocide in Rwanda and are hosted on the territory of the Democratic Republic of the Congo.

The Government is disturbed that despite the gravity of the accusations levelled against Rwanda by the President of the Democratic Republic of the Congo, the international community has not acted to set up an independent and credible verification mechanism to establish the facts on the ground, and has chosen instead to act confused in the light of the lies propagated by the Government of the Democratic Republic of the Congo.

Reminding that all the verification mechanisms provided for under the Lusaka Ceasefire Agreement and the Pretoria Agreement have been rendered inoperational, or have been terminated, at the insistence of the Government of the Democratic Republic of the Congo and the support of some in the international community, concerned that this dislike of independent, credible and effective verification is part of a plan by the Government of the Democratic Republic of the Congo to continue

its campaign against the Rwandese Republic, the Government now declares as follows:

1. Rwanda reiterates the fact that its armed forces were not involved in the fall of Bukavu. The officers and soldiers involved in the events in Bukavu were all Congolese, and the Government of the Democratic Republic of the Congo is challenged to prove otherwise.

2. In light of paragraph 1 above, President Kabila's plan to launch an attack on the Rwandese Republic must have other, undeclared motivations, which he should now explain to the world.

3. Announces the closure of the border between the Rwandese Republic and the Democratic Republic of the Congo, effective 6 June 2004, 1800 hours local time, to allow those concerned to verify and arrest, or otherwise deal with members of Rwanda's armed forces, allegedly present on the territory of the Democratic Republic of the Congo.

4. Announces that the said border shall remain closed until the United Nations, and/or the African Union, makes a determination clarifying the recent events in Bukavu in particular, and the eastern Democratic Republic of the Congo in general.

5. The border shall be opened only to refugees fleeing the insecurity in the eastern Democratic Republic of the Congo, or voluntarily returning to the Democratic Republic of the Congo from Rwanda, and this in close cooperation with the United Nations High Commissioner for Refugees (UNHCR), and MONUC, and in respect of international conventions.

6. The closure of the border affects nationals of the Democratic Republic of the Congo and the Rwandese Republic, as well as nationals of all other countries, transacting any business of a private, public or official nature across Rwanda's border with the Democratic Republic of the Congo.

7. The United Nations, through MONUC, or any other body the United Nations may choose, as well as the African Union, are requested to set up a verification mechanism to expeditiously investigate, and report on, the allegations against the Rwandese Republic by the Democratic Republic of the Congo.

8. Finally, the Rwandese Republic wishes to inform the international community of the fact that President Kabila's plans to wage war against Rwanda include close coordination with, and use of, forces of the ExFAR/INTERAHAMWE (currently known as FDLR/FOCA), and wishes to point out that this course of action may prove fatal to regional peace and security.

Done in Kigali, 6 June 2004.

United Nations S/2004/460

Security Council

Distr.: General
8 June 2004

Original: English

Romania, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Welcoming the beginning of a new phase in Iraq's transition to a democratically elected government, and *looking forward* to the end of the occupation and the assumption of full responsibility and authority by a fully sovereign and independent Interim Government of Iraq by 30 June 2004,

Recalling all of its previous relevant resolutions on Iraq,

Reaffirming the independence, sovereignty, unity, and territorial integrity of Iraq,

Reaffirming also the right of the Iraqi people freely to determine their own political future and control their own natural resources,

Recognizing the importance of international support, particularly that of countries in the region, Iraq's neighbours, and regional organizations, for the people of Iraq in their efforts to achieve security and prosperity, and *noting* that the successful implementation of this resolution will contribute to regional stability,

Welcoming the efforts of the Special Adviser to the Secretary-General to assist the people of Iraq in achieving the formation of the Interim Government of Iraq, as set out in the letter of the Secretary-General of 7 June 2004 (S/2004/461),

Taking note of the dissolution of the Governing Council of Iraq, and *welcoming* the progress made in implementing the arrangements for Iraq's political transition referred to in resolution 1511 (2003) of 16 October 2003,

Welcoming the commitment of the Interim Government of Iraq to work towards a federal, democratic, pluralist, and unified Iraq, in which there is full respect for political and human rights,

Stressing the need for all parties to respect and protect Iraq's archaeological, historical, cultural, and religious heritage,

Affirming the importance of the rule of law, national reconciliation, respect for human rights including the rights of women, fundamental freedoms, and democracy including free and fair elections,

Recalling the establishment of the United Nations Assistance Mission for Iraq (UNAMI) on 14 August 2003, and *affirming* that the United Nations should play a

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leading role in assisting the Iraqi people and government in the formation of institutions for representative government,

Recognizing that international support for restoration of stability and security is essential to the well-being of the people of Iraq as well as to the ability of all concerned to carry out their work on behalf of the people of Iraq, and *welcoming* Member State contributions in this regard under resolution 1483 (2003) of 22 May 2003 and resolution 1511 (2003),

Recalling the report provided by the United States to the Security Council on 16 April 2004 on the efforts and progress made by the multinational force,

Recognizing the request conveyed in the letter of 5 June 2004 from the Prime Minister of the Interim Government of Iraq to the President of the Council, which is annexed to this resolution, to retain the presence of the multinational force,

Recognizing also the importance of the consent of the sovereign Government of Iraq for the presence of the multinational force and of close coordination between the multinational force and that government,

Welcoming the willingness of the multinational force to continue efforts to contribute to the maintenance of security and stability in Iraq in support of the political transition, especially for upcoming elections, and to provide security for the United Nations presence in Iraq, as described in the letter of 5 June 2004 from the United States Secretary of State to the President of the Council, which is annexed to this resolution,

Noting the commitment of all forces promoting the maintenance of security and stability in Iraq to act in accordance with international law, including obligations under international humanitarian law, and to cooperate with relevant international organizations,

Affirming the importance of international assistance in reconstruction and development of the Iraqi economy,

Recognizing the benefits to Iraq of the immunities and privileges enjoyed by Iraqi oil revenues and by the Development Fund for Iraq, and *noting* the importance of providing for continued disbursements of this fund by the Interim Government of Iraq and its successors upon dissolution of the Coalition Provisional Authority,

Determining that the situation in Iraq continues to constitute a threat to international peace and security,

Acting under Chapter VII of the Charter of the United Nations,

1. *Endorses* the formation of a sovereign Interim Government of Iraq, as presented on 1 June 2004, which will assume full responsibility and authority by 30 June 2004 for governing Iraq while refraining from taking any actions affecting Iraq's destiny beyond the limited interim period until an elected Transitional Government of Iraq assumes office as envisaged in paragraph four below;

2. *Welcomes* that, also by 30 June 2004, the occupation will end and the Coalition Provisional Authority will cease to exist, and that Iraq will reassert its full sovereignty;

3. *Reaffirms* the right of the Iraqi people freely to determine their own political future and to exercise full authority and control over their financial and natural resources;

4. *Endorses* the proposed timetable for Iraq's political transition to democratic government including:

(a) formation of the sovereign Interim Government of Iraq that will assume governing responsibility and authority by 30 June 2004;

(b) convening of a national conference reflecting the diversity of Iraqi society; and

(c) holding of direct democratic elections by 31 December 2004 if possible, and in no case later than 31 January 2005, to a Transitional National Assembly, which will, inter alia, have responsibility for forming a Transitional Government of Iraq and drafting a permanent constitution for Iraq leading to a constitutionally elected government by 31 December 2005;

5. *Invites* the Government of Iraq to consider how the convening of an international meeting could support the above process, and *notes* that it would welcome such a meeting to support the Iraqi political transition and Iraqi recovery, to the benefit of the Iraqi people and in the interest of stability in the region;

6. *Calls on* all Iraqis to implement these arrangements peaceably and in full, and on all States and relevant organizations to support such implementation;

7. *Decides* that in implementing, as circumstances permit, their mandate to assist the Iraqi people and government, the Special Representative of the Secretary-General and the United Nations Assistance Mission for Iraq (UNAMI), as requested by the Government of Iraq, shall:

(a) play a leading role to:

(i) assist in the convening, during the month of July 2004, of a national conference to select a Consultative Council;

(ii) advise and support the Independent Electoral Commission of Iraq, as well as the Interim Government of Iraq and the Transitional National Assembly, on the process for holding elections;

(iii) promote national dialogue and consensus-building on the drafting of a national constitution by the people of Iraq;

(b) and also:

(i) advise the Government of Iraq in the development of effective civil and social services;

(ii) contribute to the coordination and delivery of reconstruction, development, and humanitarian assistance;

(iii) promote the protection of human rights, national reconciliation, and judicial and legal reform in order to strengthen the rule of law in Iraq; and

(iv) advise and assist the Government of Iraq on initial planning for the eventual conduct of a comprehensive census;

8. *Welcomes* ongoing efforts by the incoming Interim Government of Iraq to develop Iraqi security forces including the Iraqi armed forces (hereinafter referred to as "Iraqi security forces"), operating under the authority of the Interim Government of Iraq and its successors, which will progressively play a greater role and ultimately assume full responsibility for the maintenance of security and stability in Iraq;

9. *Notes* that the presence of the multinational force in Iraq is at the request of the incoming Interim Government of Iraq and therefore *reaffirms* the authorization for the multinational force under unified command established under resolution 1511 (2003), having regard to the letters annexed to this resolution;

10. *Decides* that the multinational force shall have the authority to take all necessary measures to contribute to the maintenance of security and stability in Iraq in accordance with the letters annexed to this resolution expressing, inter alia, the Iraqi request for the continued presence of the multinational force and setting out its tasks, including by preventing and deterring terrorism, so that, inter alia, the United Nations can fulfil its role in assisting the Iraqi people as outlined in paragraph seven above and the Iraqi people can implement freely and without intimidation the timetable and programme for the political process and benefit from reconstruction and rehabilitation activities;

11. *Welcomes*, in this regard, the letters annexed to this resolution stating, inter alia, that arrangements are being put in place to establish a security partnership between the sovereign Government of Iraq and the multinational force and to ensure coordination between the two, and *notes also* in this regard that Iraqi security forces are responsible to appropriate Iraqi ministers, that the Government of Iraq has authority to commit Iraqi security forces to the multinational force to engage in operations with it, and that the security structures described in the letters will serve as the fora for the Government of Iraq and the multinational force to reach agreement on the full range of fundamental security and policy issues, including policy on sensitive offensive operations, and will ensure full partnership between Iraqi security forces and the multinational force, through close coordination and consultation;

12. *Decides further* that the mandate for the multinational force shall be reviewed at the request of the Government of Iraq or twelve months from the date of this resolution, and that this mandate shall expire upon the completion of the political process set out in paragraph four above, and *declares* that it will terminate this mandate earlier if requested by the Government of Iraq;

13. *Notes* the intention, set out in the annexed letter from the United States Secretary of State, to create a distinct entity under unified command of the multinational force with a dedicated mission to provide security for the United Nations presence in Iraq, *recognizes* that the implementation of measures to provide security for staff members of the United Nations system working in Iraq would require significant resources, and *calls upon* Member States and relevant organizations to provide such resources, including contributions to that entity;

14. *Recognizes* that the multinational force will also assist in building the capability of the Iraqi security forces and institutions, through a programme of recruitment, training, equipping, mentoring, and monitoring;

15. *Requests* Member States and international and regional organizations to contribute assistance to the multinational force, including military forces, as agreed with the Government of Iraq, to help meet the needs of the Iraqi people for security and stability, humanitarian and reconstruction assistance, and to support the efforts of UNAMI;

16. *Emphasizes* the importance of developing effective Iraqi police, border enforcement, and the Facilities Protection Service, under the control of the Interior Ministry of Iraq, and, in the case of the Facilities Protection Service, other Iraqi ministries, for the maintenance of law, order, and security, including combating terrorism, and *requests* Member States and international organizations to assist the Government of Iraq in building the capability of these Iraqi institutions;

17. *Condemns* all acts of terrorism in Iraq, *reaffirms* the obligations of Member States under resolutions 1373 (2001) of 28 September 2001, 1267 (1999) of 15 October 1999, 1333 (2000) of 19 December 2000, 1390 (2002) of 16 January 2002, 1455 (2003) of 17 January 2003, and 1526 (2004) of 30 January 2004, and other relevant international obligations with respect, inter alia, to terrorist activities in and from Iraq or against its citizens, and specifically *reiterates* its call upon Member States to prevent the transit of terrorists to and from Iraq, arms for terrorists, and financing that would support terrorists, and *re-emphasizes* the importance of strengthening the cooperation of the countries of the region, particularly neighbours of Iraq, in this regard;

18. *Recognizes* that the Interim Government of Iraq will assume the primary role in coordinating international assistance to Iraq;

19. *Welcomes* efforts by Member States and international organizations to respond in support of requests by the Interim Government of Iraq to provide technical and expert assistance while Iraq is rebuilding administrative capacity;

20. *Reiterates* its request that Member States, international financial institutions and other organizations strengthen their efforts to assist the people of Iraq in the reconstruction and development of the Iraqi economy, including by providing international experts and necessary resources through a coordinated programme of donor assistance;

21. *Decides* that the prohibitions related to the sale or supply to Iraq of arms and related materiel under previous resolutions shall not apply to arms or related materiel required by the Government of Iraq or the multinational force to serve the purposes of this resolution, *stresses* the importance for all States to abide strictly by them, and *notes* the significance of Iraq's neighbours in this regard, and *calls upon* the Government of Iraq and the multinational force each to ensure that appropriate implementation procedures are in place;

22. *Notes* that nothing in the preceding paragraph affects the prohibitions on or obligations of States related to items specified in paragraphs 8 and 12 of resolution 687 (1991) of 3 April 1991 or activities described in paragraph 3 (f) of resolution 707 (1991) of 15 August 1991, and *reaffirms* its intention to revisit the mandates of the United Nations Monitoring, Verification, and Inspection Commission and the International Atomic Energy Agency;

23. *Calls on* Member States and international organizations to respond to Iraqi requests to assist Iraqi efforts to integrate Iraqi veterans and former militia members into Iraqi society;

24. *Notes* that, upon dissolution of the Coalition Provisional Authority, the funds in the Development Fund for Iraq shall be disbursed solely at the direction of the Government of Iraq, and *decides* that the Development Fund for Iraq shall be utilized in a transparent and equitable manner and through the Iraqi budget including to satisfy outstanding obligations against the Development Fund for Iraq, that the arrangements for the depositing of proceeds from export sales of petroleum, petroleum products, and natural gas established in paragraph 20 of resolution 1483 (2003) shall continue to apply, that the International Advisory and Monitoring Board shall continue its activities in monitoring the Development Fund for Iraq and shall include as an additional full voting member a duly qualified individual designated by the Government of Iraq and that appropriate arrangements shall be made for the continuation of deposits of the proceeds referred to in paragraph 21 of resolution 1483 (2003);

25. *Decides further* that the provisions in the above paragraph for the deposit of proceeds into the Development Fund for Iraq and for the role of the IAMB shall be reviewed at the request of the Transitional Government of Iraq or twelve months from the date of this resolution, and shall expire upon the completion of the political process set out in paragraph four above;

26. *Decides* that, in connection with the dissolution of the Coalition Provisional Authority, the Interim Government of Iraq and its successors shall assume the rights, responsibilities and obligations relating to the Oil-for-Food Programme that were transferred to the Authority, including all operational responsibility for the Programme and any obligations undertaken by the Authority in connection with such responsibility, and responsibility for ensuring independently authenticated confirmation that goods have been delivered, and *further decides* that, following a 120-day transition period from the date of adoption of this resolution, the Interim Government of Iraq and its successors shall assume responsibility for certifying delivery of goods under previously prioritized contracts, and that such certification shall be deemed to constitute the independent authentication required for the release of funds associated with such contracts, consulting as appropriate to ensure the smooth implementation of these arrangements;

27. *Further decides* that the provisions of paragraph 22 of resolution 1483 (2003) shall continue to apply, except that the privileges and immunities provided in that paragraph shall not apply with respect to any final judgement arising out of a contractual obligation entered into by Iraq after 30 June 2004;

28. *Welcomes* the commitments of many creditors, including those of the Paris Club, to identify ways to reduce substantially Iraq's sovereign debt, *calls on* Member States, as well as international and regional organizations, to support the Iraq reconstruction effort, *urges* the international financial institutions and bilateral donors to take the immediate steps necessary to provide their full range of loans and other financial assistance and arrangements to Iraq, *recognizes* that the Interim Government of Iraq will have the authority to conclude and implement such agreements and other arrangements as may be necessary in this regard, and *requests* creditors, institutions and donors to work as a priority on these matters with the Interim Government of Iraq and its successors;

29. *Recalls* the continuing obligations of Member States to freeze and transfer certain funds, assets, and economic resources to the Development Fund for Iraq in accordance with paragraphs 19 and 23 of resolution 1483 (2003) and with resolution 1518 (2003) of 24 November 2003;

30. *Requests* the Secretary-General to report to the Council within three months from the date of this resolution on UNAMI operations in Iraq, and on a quarterly basis thereafter on the progress made towards national elections and fulfilment of all UNAMI's responsibilities;

31. *Requests* that the United States, on behalf of the multinational force, report to the Council within three months from the date of this resolution on the efforts and progress of this force, and on a quarterly basis thereafter;

32. *Decides* to remain actively seized of the matter.

Annex

Text of letters from the Prime Minister of the Interim Government of Iraq Dr. Ayad Allawi and United States Secretary of State Colin L. Powell to the President of the Council

5 June 2004

Republic of Iraq
Prime Minister Office

Excellency:

On my appointment as Prime Minister of the Interim Government of Iraq, I am writing to express the commitment of the people of Iraq to complete the political transition process to establish a free, and democratic Iraq and to be a partner in preventing and combating terrorism. As we enter a critical new stage, regain full sovereignty and move towards elections, we will need the assistance of the international community.

The Interim Government of Iraq will make every effort to ensure that these elections are fully democratic, free and fair. Security and stability continue to be essential to our political transition. There continue, however, to be forces in Iraq, including foreign elements, that are opposed to our transition to peace, democracy, and security. The Government is determined to overcome these forces, and to develop security forces capable of providing adequate security for the Iraqi people. Until we are able to provide security for ourselves, including the defence of Iraq's land, sea and air space, we ask for the support of the Security Council and the international community in this endeavour. We seek a new resolution on the Multinational Force (MNF) mandate to contribute to maintaining security in Iraq, including through the tasks and arrangements set out in the letter from Secretary of State Colin Powell to the President of the United Nations Security Council. The Government requests that the Security Council review the mandate of the MNF at the request of the Transitional Government of Iraq, or twelve months from the date on which such a resolution is adopted.

In order to discharge the Iraqi Government's responsibility for security, I intend to establish appropriate security structures that will allow my Government and Iraqi security forces to progressively take on that responsibility. One such structure is the Ministerial Committee for National Security, consisting of myself as the Chair, the Deputy Prime Minister, and the Minister of Defense, Interior, Foreign Affairs, Justice, and Finance. The National Security Advisor, and Director of the Iraqi National Intelligence Service will serve as permanent advisory members of the committee. This forum will set the broad framework for Iraqi security policy. I intend to invite, as appropriate, the MNF commander, his Deputy, or the MNF

His Excellency
Mr. Lauro L. Baja, Jr.
President of the Security Council
United Nations
New York, New York

Commander's designative representative, and other appropriate individuals, to attend and participate as well, and will stand ready to discuss mechanisms of coordination and cooperation with the MNF. Iraqi armed forces will be responsible to the Chief of Staff and Minister of Defense. Other security forces (the Iraqi police, border guards and Facilities Protection Service) will be responsible to the Minister of the Interior or other government ministers.

In addition, the relevant ministers and I will develop further mechanisms for coordination with the MNF. Intend to create with the MNF coordination bodies at national, regional, and local levels, that will include Iraqi security forces commanders and civilian leadership, to ensure that Iraqi security forces will coordinate with the MNF on all security policy and operations issues in order to achieve unity of command of military operations in which Iraqi forces are engaged with MNF. In addition, the MNF and Iraqi government leaders will keep each other informed of their activities, consult regularly to ensure effective allocation and use of personnel, resources and facilities, will share intelligence, and will refer issues up the respective chains of command where necessary, Iraqi security forces will take on progressively greater responsibility as Iraqi capabilities improve.

The structures I have described in this letter will serve as the fora for the MNF and the Iraqi government to reach agreement on the full range of fundamental security and policy issues, including policy on sensitive offensive operations, and will ensure full partnership between Iraqi forces and the MNF, through close coordination and consultation. Since these are sensitive issues for a number of sovereign governments, including Iraq and the United States, they need to be resolved in the framework of a mutual understanding on our strategic partnership. We will be working closely with the MNF leadership in the coming weeks to ensure that we have such an agreed strategic framework.

We are ready to take sovereign responsibility for governing Iraq by June 30. We are well aware of the difficulties facing us, and of our responsibilities to the Iraqi people. The stakes are great, and we need the support of the international community to succeed. We ask the Security Council to help us by acting now to adopt a Security Council resolution giving us necessary support.

I understand that the Co-sponsors intend to annex this letter to the resolution on Iraq under consideration. In the meantime, I request that you provide copies of this letter to members of the Council as quickly as possible.

(*Signed*) Dr. Ayad **Allawi**

The Secretary of State
Washington

5 June 2004

Excellency:

Recognizing the request of the government of Iraq for the continued presence of the Multi-National Force (MNF) in Iraq, and following consultations with Prime Minister Ayad Allawi of the Iraqi Interim Government, I am writing to confirm that the MNF under unified command is prepared to continue to contribute to the maintenance of security in Iraq, including by preventing and deterring terrorism and protecting the territory of Iraq. The goal of the MNF will be to help the Iraqi people to complete the political transition and will permit the United Nations and the international community to work to facilitate Iraq's reconstruction.

The ability of the Iraqi people to achieve their goals will be heavily influenced by the security situation in Iraq. As recent events have demonstrated, continuing attacks by insurgents, including former regime elements, foreign fighters, and illegal militias challenge all those who are working for a better Iraq.

Development of an effective and cooperative security partnership between the MNF and the sovereign Government of Iraq is critical to the stability of Iraq. The commander of the MNF will work in partnership with the sovereign Government of Iraq in helping to provide security while recognizing and respecting its sovereignty. To that end, the MNF stands ready to participate in discussions of the Ministerial Committee for National Security on the broad framework of security policy, as referred to in the letter from Prime Minister of the Interim Government of Iraq Allawi dated June 5, 2004. On the implementation of this policy, recognizing that Iraqi security forces are responsible to the appropriate Iraqi ministers, the MNF will coordinate with Iraqi security forces at all levels — national, regional, and local — in order to achieve unity of command of military operations in which Iraqi forces are engaged with the MNF. In addition, the MNF and the Iraqi government leaders will keep each other informed of their activities, consult regularly to ensure effective allocation and use of personnel, resources, and facilities, will share intelligence, and will refer issues up the respective chains of command where necessary. We will work in the fora described by Prime Minister Allawi in his June 5 letter to reach agreement on the full range of fundamental security and policy issues, including policy on sensitive offensive operations, and will ensure full partnership between MNF and Iraqi forces, through close coordination and consultation.

His Excellency
Mr. Lauro L. Baja, Jr.
President of the Security Council
United Nations
New York, New York

Under the agreed arrangement, the MNF stands ready to continue to undertake a broad range of tasks to contribute to the maintenance of security and to ensure force protection. These include activities necessary to counter ongoing security threats posed by forces seeking to influence Iraq's political future through violence. This will include combat operations against members of these groups, internment where this is necessary for imperative reasons of security, and the continued search for and securing of weapons that threaten Iraq's security. A further objective will be to train and equip Iraqi security forces that will increasingly take responsibility for maintaining Iraq's security. The MNF also stands ready as needed to participate in the provision of humanitarian assistance, civil affairs support, and relief and reconstruction assistance requested by the Iraqi Interim Government and in line with previous Security Council Resolutions.

In addition, the MNF is prepared to establish or support a force within the MNF to provide for the security of personnel and facilities of the United Nations. We have consulted closely with UN officials regarding the United Nations' security requirements and believe that a brigade-size force will be needed to support the United Nations' security effort. This force will be under the command and control of the MNF commander, and its missions will include static and perimeter security at UN facilities, and convoy escort duties for the UN mission's travel requirements.

In order to continue to contribute to security, the MNF must continue to function under a framework that affords the force and its personnel the status that they need to accomplish their mission, and in which the contributing states have responsibility for exercising jurisdiction over their personnel and which will ensure arrangements for, and use of assets by, the MNF. The existing framework governing these matters is sufficient for these purposes. In addition, the forces that make up the MNF are and will remain committed at all times to act consistently with their obligations under the law of armed conflict, including the Geneva Conventions.

The MNF is prepared to continue to pursue its current efforts to assist in providing a secure environment in which the broader international community is able to fulfil its important role in facilitating Iraq's reconstruction. In meeting these responsibilities in the period ahead, we will act in full recognition of and respect for Iraqi sovereignty. We look to other member states and international and regional organizations to assist the people of Iraq and the sovereign Iraqi government in overcoming the challenges that lie ahead to build a democratic, secure and prosperous country.

The co-sponsors intend to annex this letter to the resolution on Iraq under consideration. In the meantime, I request that you provide copies of this letter to members of the Council as quickly as possible.

Sincerely,
(*Signed*) Colin L. **Powell**

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Letter dated 7 June 2004 from the Secretary-General to the President of the Security Council

Following my meeting on 19 January 2004 with the Iraqi Governing Council and the Coalition Provisional Authority, I responded positively to their request for United Nations assistance in Iraq's political transition process. My Special Adviser, Lakhdar Brahimi, has since undertaken three missions to Iraq between February and June 2004 to help facilitate a process of national dialogue and consensus-building among Iraqis. I am pleased to attach herewith a copy of the briefing of 7 June by my Special Adviser, which constitutes the report on his third and latest mission to Iraq (see annex).

During his first visit, from 6 to 13 February, my Special Adviser and a team of the United Nations Electoral Assistance Division carried out a fact-finding mission which concluded, inter alia, that credible elections could not take place by 30 June 2004 and that an interim government would have to be formed through other means, as described in the report annexed to my letter dated 23 February 2004 to the President of the Security Council (S/2004/140).

During his second visit, from 26 March to 16 April, my Special Adviser was able to develop, on the basis of extensive consultations with a broad spectrum of Iraqis, the Governing Council and the Coalition Provisional Authority, provisional ideas for the formation of an interim Iraqi government to which sovereignty would be transferred on 30 June 2004. These ideas were welcomed in a statement by the President of the Security Council on 27 April 2004 (S/PRST/2004/11).

During his third visit, from 1 May to 2 June, my Special Adviser helped to facilitate a consultative process among Iraqis, resulting in an agreement on transitional institutions and arrangements, including the structure and composition of a sovereign and independent Interim Iraqi Government, which is to assume power by 30 June 2004. Consensus was also reached on a chairman for the Committee that will prepare for a national conference in July 2004. At the same time, United Nations electoral experts helped Iraqis to lay the essential groundwork for the holding of elections by January 2005, including through the establishment of an Independent Electoral Commission of Iraq as well as through basic agreements on the legislative framework for elections.

I welcome the outcome of my Special Adviser's mission and fully endorse the observations contained in his briefing. Through the good offices of my Special Adviser, the United Nations has accomplished its task on time and in full. While the

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report speaks for itself, I would like to take this opportunity to emphasize some observations.

The United Nations has consistently held that there is no substitute for the legitimacy that comes from free and fair elections. The elections scheduled to take place in January 2005 are therefore the most important milestone in Iraq's transitional political process. The formation of the Interim Iraqi Government marks a first step in that process.

The United Nations was fully involved in facilitating consensus on the structure and composition of the Interim Iraqi Government, which resulted from a consultative process that encompassed a large and diverse range of Iraqis, as well as those who had explicitly sought the assistance of the United Nations, namely, the Governing Council and the Coalition Provisional Authority.

Though they are not elected, we have in place a capable and reasonably balanced Interim Government poised to take power by 30 June 2004. I believe that this is the best outcome achievable under the circumstances. The Interim Government is well positioned to bring the country together and lead it effectively during the next seven months. The Interim Government marks a new phase and deserves to be given a fair chance and full support. I hope that the Iraqi people will judge it by its actions and results.

Let us be clear, however, that Iraq's current challenges will take years, not months, to overcome. A major and most immediate task for the Interim Government will be to start taking ownership of the solutions that must be found to the grave insecurity that continues to affect Iraq. The forthcoming National Conference, scheduled to take place in July 2004, will provide an ideal opportunity to start a process of national consensus-building.

To create the right conditions for elections, as well as to surmount the challenges that lie ahead, the people of Iraq urgently need help. I appeal to the Security Council and the international community at large, Iraq's neighbours in particular, to respond favourably and generously to the Interim Iraqi Government's request for assistance and support. It is my hope that through our combined efforts we can help to promote a process that impacts positively on the overall security environment and reverses the logic of violence on all sides.

The United Nations stands ready to do its utmost to contribute to the restoration of peace and stability in a unified and democratic Iraq. To that end, I look forward to seeing the role of the United Nations clearly defined, with maximum specificity, and to the creation of the conditions — including the provision of security for our staff and adequate resources — which would allow us to implement the mandate given us to the satisfaction of the people of Iraq.

I should also like to take this opportunity to pay special and heartfelt tribute to my Special Adviser, Lakhdar Brahimi, to Ms. Carina Perelli, and to their respective teams, for working with such dedication to complete their mission, under exceptionally difficult and dangerous conditions. Each and every one of them is a credit to the United Nations. We owe them thanks.

(*Signed*) Kofi A. **Annan**

Annex

Briefing of the Special Adviser to the Secretary-General, Lakhdar Brahimi, to the Security Council on the political transition process in Iraq

7 June 2004

Mr. President, Mr. Secretary-General:

It is, as ever, a privilege to address the Security Council, and I am particularly honoured to be speaking under your presidency, Mr. Ambassador.

The Secretary-General has been far too kind and generous, and I thank him on behalf of my colleagues and on my own account for his confidence, his encouragement and his support. I am also deeply grateful for the assistance that the members of the Security Council have given us.

The Secretary-General mentioned that the process of forming the interim Government that is poised to take power in Iraq by 30 June did not begin in May, but much earlier. I hope the Council will permit me to describe that process in some detail, especially as concerns last month's events. The United Nations account of how the process has unfolded should be a matter of public record.

My own personal involvement commenced with the fact-finding team I was privileged to lead to Iraq in the beginning of February. During that visit, the first of three in total, my team and I began a process of consultations with Iraqi political parties, professional associations, trade unions, religious and tribal leaders, women's groups and youth movements, intellectuals and academics, amongst others.

It was on the basis of those consultations, in addition to those with the Coalition Provisional Authority and the Governing Council, that we formulated the observations and recommendations in the fact-finding team's report. That report, which the Secretary-General transmitted to the Security Council on 23 February (S/2004/140), made clear that there was an overwhelming desire on the part of Iraqis for an elected Government to take over from the Coalition Provisional Authority. But there was also an understanding that such a Government would not be viable if the elections held for it were not genuine and credible. Our technical assessment was that the conditions simply were not there for this to happen before 30 June. Eight months at the very least would be needed to organize a proper election from the time that an electoral authority and an electoral framework had been put in place.

Naturally, delaying the end of occupation was not an option. There was therefore no alternative but to accept that restoration of sovereignty by 30 June would be made to a non-elected Government.

What was the alternative to the caucus-style system that had been rejected? It was naturally not possible to present a preferred option from the United Nations. It was up to the people of Iraq to reflect on this question, free of the sometimes politically motivated rhetoric that had surrounded the debate on whether credible elections could be held by 30 June. This was not a time to hastily push through a solution, especially because, as we pointed out in the fact-finding team's report, the country was so divided.

The Council will recall that the Transitional Administrative Law was adopted by the Governing Council and the Coalition Provisional Authority on 8 March 2004. Article 2(B)(1) of the Transitional Administrative Law stated that the interim Government to take power by 30 June would be

> "constituted in accordance with a process of extensive deliberations and consultations with cross-sections of the Iraqi people conducted by the Governing Council and the Coalition Provisional Authority and possibly in consultation with the United Nations".

Then, in a letter to the Secretary-General dated 17 March 2004 (S/2004/225, annex II), the President of the Iraqi Governing Council reaffirmed that the Governing Council welcomed United Nations consultation in the national dialogue on the shape and scope of the interim Government. In a letter dated the same day, Ambassador Paul Bremer indicated to the Secretary-General his hope that my team and I would "return to Iraq ... to help build consensus among Iraqis on the powers, structure and composition of the interim Government and the process for its establishment" (S/2004/225, annex IV). The Secretary-General informed the Security Council the following day of the letters that he had received, as well as of his positive response to them.

Against that backdrop, my team and I returned to Iraq for a second time, from 4 to 15 April. On arrival, we found that some members of the Governing Council were arguing that continuity above all would be required to face the magnitude of the challenges that would persist through the next phase of the transition. For that reason, they favoured transferring sovereignty by 30 June to themselves or to an expanded version of their Council. On the other hand, our extensive consultations with people outside the Governing Council revealed a desire for a more pronounced change.

In the end, the Governing Council itself recognized that the 15 November 2003 agreement, as well as the Transitional Administrative Law, had called for its dissolution, along with that of the Coalition Provisional Authority, by 30 June. A consensus appeared to emerge on the formation of an interim Government composed of a President, two Vice- Presidents and a Cabinet of ministers headed by a Prime Minister. Outside of the Governing Council there was a call for the Government to consist of honest and competent people who would effectively run the country for seven months or so while preparations for elections were being made. Once again, the people of Iraq, in all quarters, stressed that the elections were the most important milestone for them.

On 14 April, I informed the Iraqi public of the status of our work in progress at a joint press conference with the then President of the Governing Council, Mr. Massoud Barzani. After returning to New York for consultations with the Secretary-General, I briefed the Security Council in greater detail on 27 April. In that briefing, members will recall, I added that, ideally, those serving in the Government would choose, themselves, not to stand as candidates in the elections for the National Assembly that is to be elected by next January.

I also stressed that the formation of the interim Government alone would not be sufficient to help turn the tide of violence. Confidence-building measures would also be needed, in tandem, to address such controversial and divisive issues as the manner in which the new army would be formed, de-Baathification, and the issue of

detainees and due process. Within this context, we suggested that a national conference be convened once sovereignty had been restored, in order to provide a forum for Iraqi men and women around the country to debate and hopefully to forge consensus on the challenges that they face for their immediate and long-term future. We also proposed that this conference, bringing together 1,000 to 1,500 people reflecting the diversity of the country, should select a smaller national council that could continue the discussions and advise the interim Government throughout its short tenure. In order for this national conference to be well prepared, we recommended that a diverse preparatory committee should be formed as quickly as possible.

A few days after I briefed the Council, my team and I departed again from New York, arriving in Baghdad on 1 May, for our third and final visit. Our immediate task was to gauge the reactions to the preliminary ideas that we had presented. After all, these were not ideas that we had come up with on our own, but rather were a reflection of what we heard Iraqis telling us. Did they believe that it was a faithful reflection? With the benefit of some time to think about the proposals, did they have additional views? If they were on board with the framework, what names did they see best matching up with the positions?

These are the questions we put to our interlocutors during this third visit as we resumed our consultations. What we found was that there was virtual consensus on the structure of the Government. It had the merit of simplicity while containing enough positions of real and symbolic importance to allow most, if not all key constituencies to feel represented.

There was debate, however, on two key issues. First, how was this Government to be selected? Secondly, to what extent should political parties be represented in it?

The idea that an Iraqi Government could be even partially selected by foreigners, understandably, did not sit well with some. On the other hand, many voices were heard demanding that the United Nations alone be involved in this exercise, without the participation of the CPA and the Governing Council. On both sides of this debate, it was argued that if sufficient time were not available for a credible national conference to be convened by 30 June, then we should take six weeks or so to bring together an even smaller round table of notable figures, who would be charged with selecting the interim Government.

Our concerns with this suggestion, however, were three-fold. First, if we left the formation of the Government until the eve of 30 June, then it would not have sufficient time to prepare to take power or the opportunity to engage in the discussions on the draft resolution now before the Council. Secondly, the choice of who should participate in the round table would be influenced by foreigners and would be no less controversial than the choice of the Government itself. Thirdly, if the round table failed to reach agreement on the composition of the Government by 30 June, then the termination of the occupation would be delayed. This would not be acceptable to anyone in Iraq.

At the end of the day, there was no getting away from the fact that the interim Government would not be elected. It would be an imperfect and ambiguous process of selection, and it would not be fair to the people of Iraq to pretend otherwise.

As concerns the participation of political parties in the interim Government, we discovered that the leaders of those parties were not alone in support of their

participation. Quite a few independent Iraqi figures argued in favour of it. They stressed that, by definition, any composition of the Iraqi Government selected through these means would be controversial. They added that the magnitude of the challenges the Government would face from the outset made it imperative for its composition to be as inclusive as possible. The interim Government could ill afford to start its work with influential opposition surrounding it on all sides. Inclusion thus meant the inclusion of the larger political parties as well, and there were plenty of highly competent professionals within their ranks. The key would be to ensure that the participation of political parties did not lead to rising sectarianism, the crowding out of competent independent candidates or the disproportionate influence of any one political party in the Government.

When the time came to start discussions on actual names, we proposed the idea of forming a working group comprised of the United Nations, the CPA and the Iraqi Governing Council. It would have been impractical to include all 24 members of the Governing Council in this working group. So, instead, we suggested working with a troika of the past, present and future Presidents of the Governing Council. They were Massoud Barzani, a Kurd; Ezzedine Selim, an Arab Shia; and Sheikh Ghazi Al-Yawer, an Arab Sunni. It was in that forum that we began to discuss formally the criteria for determining which names would be considered for the positions in the interim Government, including the post of prime minister.

That the CPA and the Governing Council would need to be formally included in the discussions was, of course, a foregone conclusion for us from the outset. After all, it was they who had requested the United Nations assistance and not the other way around. Furthermore, the CPA was running the country and the Governing Council had been officially recognized by the Security Council as the highest Iraqi institution in the country.

However, the CPA and the Governing Council members themselves recognized that they could not legitimately claim to speak for all Iraqis. It was for that reason, among others, that they called on the United Nations to assist in the process in the first place. Both parties accepted, therefore, that the United Nations would introduce into the discussions the views we had been hearing from Iraqis around the country.

To be sure, due to time and security constraints, we did not consult as visibly or as widely with a sufficient number of the many civic associations or the several hundred political parties that are said to exist. Nevertheless, we did meet, during our three visits, with thousands of Iraqis from around the country — many of whom travelled to Baghdad, Erbil, Mosul and Basra to see us — when we could not go to them. I sincerely apologize to all those who sought to see us and were unable to do so.

We made a particular effort to seek out the views of the extreme critics. We also tried to give a voice to those who had been relatively silent to date, including by their own choice. One of their concerns that we kept at the forefront of our minds during the working group's discussions was a desire to avoid the reinforcement of a purely sectarian mindset in the new Government.

This working group proved to be a reasonably effective forum for thrashing ideas out. Tragically, just one day after the working group had met in Erbil, Ezzedine Selim was assassinated in Baghdad on 17 May 2004. His death was not only a blow to the process, but a real loss for the country. He was a remarkably

thoughtful and decent man who had no particular personal agenda other than to help move his country in the right direction. Soon thereafter, we invited Mr. Hamid Majid Moussa, Chairman of the Governing Council's Committee on the Transfer of Sovereignty, to replace Ezzedine Selim on the working group.

While we discussed options for different positions in the interim Government, people around the country, as well in the international community at large, were particularly focused on the prime minister. Our discussions in the working group, as well as with many groups outside of it, revealed difficulty, at first, in reaching consensus on any one particular name.

At the end of the day, the name that appeared to be gathering the most support within the Governing Council and the CPA, as well as with key communities, was that of Mr. Ayad Allawi. Though his political party is not religiously based, he maintains good relations with important religious figures. Though known for his attempts to overthrow the former regime, with outside help, he has in the past year been publicly critical of the CPA's approach to the de-baathification policy and the manner in which the former army was disbanded. Though a Shia, he enjoys good relations with key Kurdish and Arab Sunni actors alike. His résumé understandably provokes controversy, but whose name, in connection with the post of prime minister, does not in today's Iraq?

The case of Mr. Hussein Shahrastani is a good example of how difficult it is to build consensus around anyone's name. Here was a brilliant scientist and head of a charity who spent 11 years in jail. He is secular, but a devout Muslim. He is close to religious leaders and he has been active and effective in providing aid and relief to the needy. Yet his name provoked strong opposition from almost all quarters, not least among those who later opposed strongly the selection of Mr. Ayad Allawi.

Be that as it may, we made it clear to the members of the working group that we were ready to respect the emerging consensus on Mr. Ayad Allawi's selection as prime minister and that we were ready to work with him in the selection of the cabinet. The list of the full Cabinet was finalized on Tuesday, 1 June, on the basis of the recommendations that we had formally handed over to Mr. Allawi.

Prior to describing to the Council the nature of the Cabinet, I should say a word about the manner in which the three-person Presidency Council was formed. Although some very difficult compromises and statesmanship were required on all sides, consensus eventually emerged on the choice of Mr. Ibrahim Jaafari and Mr. Rowsch Shaways as Deputy Presidents. Both men command a great deal of respect and enjoy popularity in their respective communities and beyond. As for the position of President, the field narrowed relatively quickly to two candidates: Mr. Adnan Pachachi, the former Foreign Minister of Iraq, and Sheikh Ghazi Mashal Ajil al-Yawer, who, as President of the Governing Council during the difficult month of May, earned the support and respect of his colleagues. In the end, Mr. Pachachi declined the position and Sheikh Ghazi became President. I am confident that the President and his two Deputies will demonstrate the leadership and the example of unity required to help bring the country together as we travel the difficult road ahead.

As for the Council of Ministers, it is full of promise. It includes some of the best-performing incumbents, such as Ms. Nasreen Berwari, Minister of Public Works, and Mehdi Al-Hafidh, Minister of Planning. They will help bring continuity to the work already started over the past year or so. But there are also many new

faces, including the Ministers for Defence, Interior, Trade and Finance. Almost two thirds of the Cabinet is new, and only two former members of the Governing Council will be taking up Cabinet positions. The newly appointed Ministers include some of Iraq's most highly qualified and educated professionals. For example, few in Iraq can dispute the fact that the new Ministers of Oil, Health, Housing and Construction, Justice and Transport, among others, are among the most qualified people in their respective fields.

The Council of Ministers reflects to a large extent the rich regional, ethnic and religious diversity of the country. Very able Ministers from the Turkomen and Caldo-Assyrian communities are represented in the Cabinet. There are also new political figures in the Government from constituencies that had not been well represented on the Governing Council.

The Council of Ministers is composed largely of technocrats, although some of them are politically affiliated, as is often the case in many countries. I am also pleased to note that almost 20 per cent of the Council are women. Those women are known for their competence, their expertise and their dedication to the empowerment of women in public life.

Taken as a complete package, the interim Government has a great deal of talent and is well positioned to bring the country together during the next seven months or so. As Ayatollah al-Sistani recently said, it deserves to be given a fair chance and full support. At the same time, the Iraqi people will ultimately judge the interim Government on the basis of what it does.

The interim Government will need to start taking ownership of the solutions that must be found to the grave insecurity that continues to affect the country. Iraq will need an effective police force and a well-trained and professional army. Efforts to bring those about must be expedited. So, too, must the right legal, political and practical arrangements be worked out between the interim Government and any foreign forces that are sought to assist with the maintenance of security in the meantime. How that relationship is managed will greatly affect the interim Government's credibility in the eyes of the people.

In that context, it is encouraging to hear that the Prime Minister has reached agreement with the concerned parties for the dissolution of militias. That, as members may recall, was listed among the urgent confidence-building measures that we recommended after our second visit to Iraq. An equally important and urgent matter is the grave issue of the prisoners detained in the notorious Abu Ghraib detention centre and elsewhere. It would greatly help the new Government if that problem were to be completely solved even before 30 June.

We must also bear in mind that the majority of Iraqis with whom we met stressed that the problem of insecurity cannot be solved through military means alone. A political solution is required. The interim Government will need to lead the discussions on what that political solution should comprise. It will need to reach out to those who have been vocal critics of this past year's process and engage them in dialogue. It will need to resist the temptation to characterize all who have opposed the occupation as terrorists and "bitter-enders".

The National Conference provides an ideal opportunity to start that process of outreach and to build a genuinely national consensus on how to address the prevailing insecurity. Mr. Fouad Massoum will head the Committee that has been charged with preparing the National Conference, to be held in July. Mr. Massoum

has already started to reflect on the composition of the Committee, drawing on numerous recommendations that my team and I have passed on.

During that process, I am sure that Mr. Massoum and his colleagues on the Preparatory Committee will recall that the Governing Council was established strictly on a quota basis, which was universally decried and rejected. Yet all wanted fair representation for their communities and groups. It was not possible at this stage to avoid reproducing the balance of the Governing Council in the interim Government. But everyone said that that should not be a precedent and that, in future, Iraq may well have a Kurdish President or an Arab Sunni Prime Minister or, indeed, that it may see those positions occupied by individuals from smaller communities.

We believe that the National Conference should not be convened on the basis of any quota system, although care should be taken to reflect the country's diversity. In that connection, I feel that I must convey the justified demand of the Turkomen to be recognized as the third-largest community in Iraq. Similar demands have been formulated by other, smaller communities. I believe that those legitimate demands should be heeded and that they can be accommodated in the forthcoming constitution.

In conclusion, as the Secretary-General said a moment ago, the United Nations has completed its task for this particular stage in full and on time. After a long, complicated and delicate process that took place under less- than-optimal conditions, Iraq now has two institutions that are essential for the next phase: an interim Government and a national Independent Electoral Commission. As Council members may have seen through the media, that Government is generally found to be acceptable by the Iraqi people. Some are more cautious, and in some quarters there may be stronger opposition, but the Iraqi people seem to be willing to give the Government a chance to prove itself. There should be no illusion, however. The days and weeks ahead will severely test this new Government, and the solutions to Iraq's current challenges will take years, not months, to overcome. On 30 June, Iraq will reach a new phase of the political process, not the end of that process.

The fact remains, however, that neither the interim Government nor the National Council that we expect to be chosen by the National Conference will be elected bodies. And only an elected Government and an elected legislature can legitimately claim to represent Iraq. All of the work that needs to be done now — especially with respect to security — must be focused on the objective of creating the conditions for genuine and credible elections to be held by January 2005.

In order to create the right conditions for elections, as well as to face the enormous challenges before them, the people of Iraq urgently need the help of the international community. Iraq needs the clear and united support of its neighbours. Iraq needs the generosity of its creditors. Iraq needs the patient, strong and sustained support of this body, the Security Council, and that of the United Nations as a whole.

United Nations S/2004/462

Security Council

Distr.: General
8 June 2004

Original: English

Letter dated 7 June 2004 from the Permanent Representative of Serbia and Montenegro to the United Nations addressed to the President of the Security Council

I have the honour to transmit, enclosed herewith, for your information, a letter from Mr. Vuk Drašković, Minister for Foreign Affairs of Serbia and Montenegro, addressed to the Secretary-General of the United Nations (see annex).

I should be grateful if you would circulate the present letter and its annex as a document of the Security Council.

(*Signed*) Nebojša **Kaludjerović**
Permanent Representative

04-38049 (E) 080604

Annex to the letter dated 7 June 2004 from the Permanent Representative of Serbia and Montenegro to the United Nations addressed to the President of the Security Council

I am writing in connection with the opening of the air space of Kosovo and Metohija for civilian air traffic, particularly regarding the transfer of authority by the international security force (KFOR) in this field to the United Nations Interim Administration Mission in Kosovo (UNMIK) on 1 April 2004 and the issuance by Iceland, which has been running the Priština airport for some time now, of a Notice to Airmen (NOTAM) defining, in effect, the air space of Kosovo and Metohija and providing guidelines for international air services in the Province, contrary to the established custom according to which only States may issue such documents and for the operation of air traffic in their own space.

Bearing these developments in mind, your attention is drawn to the Military Technical Agreement, article II, paragraph 3, under (c), which is an integral part of Security Council resolution 1244 (1999), which states that "the international security force ("KFOR") commander may delegate control of normal civilian air activities to appropriate FRY (now Serbia and Montenegro) institutions (...) as soon as practicable".

Considering that the institutions of Serbia and Montenegro (Directorate of Civil Aviation of the State of Serbia and the State of Montenegro and the Serbia and Montenegro Air Traffic Services Agency) are properly equipped to carry out air traffic control, I am of the opinion that there exist no legal and technical obstacles to the delegation of civilian air traffic control in the air space of Kosovo and Metohija to these institutions of Serbia and Montenegro, which recently became a member of the European Organization for the Safety of Air Navigation (EUROCONTROL). This is all the more so as the XXVIII Olympic Games will take place in Athens this summer and a consolidated air traffic control would surely contribute to the safety of the increased air traffic expected in the air space of South-East Europe during that time. The safety of the traffic would also benefit from putting back in commission the other radar systems that facilitate air traffic, not only over Kosovo and Metohija, but over South-East Europe as well.

Confident that you will consider this question with due attention in view of the fact that it concerns the interests not only of Serbia and Montenegro, but also of the entire region and Europe as a whole, I assure you of my highest consideration.

(*Signed*) Vuk **Drašković**

United Nations S/2004/462*

Security Council

Distr.: General
14 June 2004

Original: English

Letter dated 7 June 2004 from the Permanent Representative of Serbia and Montenegro to the United Nations addressed to the President of the Security Council

I have the honour to transmit, enclosed herewith, for your information, a letter from Mr. Vuk Drašković, Minister for Foreign Affairs of Serbia and Montenegro, addressed to the Secretary-General of the United Nations (see annex).

I should be grateful if you would circulate the present letter and its annex as a document of the Security Council.

(*Signed*) Nebojša **Kaludjerović**
Permanent Representative

* Reissued for technical reasons.

04-38049* (E) 150604

Annex to the letter dated 7 June 2004 from the Permanent Representative of Serbia and Montenegro to the United Nations addressed to the President of the Security Council

I have been prompted to write to you following today's killing of 17-year-old Dimitrije Popović in the village of Gračanica, Kosovo and Metohija.

After the recent eruption of Albanian terror against the minority Serbs on 17 and 18 March 2004, the military, police and civil authorities deployed by the United Nations Security Council in Kosovo must respond to this latest crime urgently and resolutely.

No hesitation in implementing Security Council resolution 1244 (1999) can be tolerated any longer. The international community, KFOR, the United Nations Interim Administration Mission in Kosovo and the other civilian bodies of the United Nations on the ground are obliged to ensure secure conditions and all other rights for the Serb community in Kosovo. Anything short of that is encouraging the criminal minds and their plans to cleanse Kosovo of its remaining Serbs.

Therefore, I request and expect appropriate steps to be taken not only by the Security Council but also by the North Atlantic Treaty Organization Alliance and the Contact Group and European Union countries.

This atrocity shows also that the international community has the primary responsibility to guarantee full self-governance for Serbs and other non-Albanians in Kosovo and Metohija, as insisted on by the Government of Serbia and the Council of Ministers of the State Union of Serbia and Montenegro.

(*Signed*) Vuk **Drašković**

United Nations A/58/836–S/2004/463

General Assembly
Security Council

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General Assembly
Fifty-eighth session
Agenda item 37
The situation in the Middle East

Security Council
Fifty-ninth year

Identical letters dated 8 June 2004 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, I have the honour to inform you that at 10 p.m. on Monday, 7 June 2004, two Israeli warplanes violated Lebanese airspace, circled between Beirut and the Damur region and fired two air-to-ground missiles at tunnels in the hills around Na`imah, approximately 10 kilometres south of Beirut, then left at 10.40 p.m.

Lebanon, which adheres to the resolutions of international legitimacy, attributes to Israel the responsibility for anything which may occur as a result of its aggressive conduct and appeals to the United Nations, the Security Council and the international community to bring all possible pressure to bear upon Israel to stop these violations and acts of aggression.

In drawing your attention to the extreme gravity of these actions by Israel, which constitute flagrant acts of aggression and violations of Lebanon's sovereignty and territorial integrity, the Lebanese Government appeals to you to intervene and demand that Israel cease these acts and return to the earlier state of affairs. It further requests you to make Israel bear any consequences that may arise from its violations of the Blue Line and of Lebanese sovereignty and territorial integrity.

I should be grateful if you would have this letter circulated as a document of the Security Council and the General Assembly. Lebanon reserves its right to call for a meeting of the Security Council to discuss these acts of aggression whenever it deems it appropriate.

(*Signed*) Sami **Kronfol**
Ambassador
Permanent Representative

04-38042 (E) 080604 080604